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FEDERAL REGISTER

VOLUME 9 NUMBER 12

Washington, Tuesday, January 18, 1944

The President

EXECUTIVE ORDER 9414

REGULATIONS RELATING TO ANNUAL AND SICK LEAVE OF GOVERNMENT EMPLOYEES

By virtue of and pursuant to the authority vested in me by section 7 of the act of March 14, 1936, entitled "An Act to provide for vacations to Government employees, and for other purposes" (49 Stat. 1161), as amended by the act of December 17, 1942 (c. 737, 56 Stat. 1052), and by section 7 of the act of March 14, 1936, entitled "An Act to standardize sick leave and extend it to all civilian employees" (49 Stat. 1162), as amended by the act of March 2, 1940, entitled "An Act to amend the Annual and Sick Leave Acts of March 14, 1936" (54 Stat. 38), I hereby prescribe the following regulations governing the granting of Annual and Sick leave to civilian officers and employees of the United States, the District of Columbia, and all corporations included within the provisions of the said acts of March 14, 1936, except as provided by Part VI hereof:

PART I—DEFINITIONS

SECTION 1-1 As used in these regulations:

(a) "Employee" and "employees" include officer and officers, respectively.

(b) "Permanent employees" are those appointed without limitation as to length of service or for definite periods in excess of one year, or for the duration of the present war and for six months thereafter.

(c) "Temporary employees" are those appointed for definite periods of time not exceeding one year.

(d) "Indefinite employees" are those appointed for the "duration of the job" and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one

month, as distinguished from part-time or intermittent employees.

(e) "Accumulated leave" means the unused leave remaining to the credit of the employee at the close of any calendar year.

(f) "Court leave" means leave for attending court as a witness on behalf of the United States or the government of the District of Columbia, or for jury duty.

(g) "Break in service" means separation from the Federal service for a period of thirty or more calendar days.

(h) "Medical certificate" means a written statement signed by a registered practicing physician or other practitioner, certifying to the period of disability of the patient while he was undergoing professional treatment, or to the time of dental or optical treatments, or medical examination.

(i) "Month of service" means a period of thirty consecutive calendar days.

(j) "Terminal leave" means the period between the last day of duty and the expiration of annual leave.

PART II—ANNUAL LEAVE

ACCURAL OF ANNUAL LEAVE

SECTION 2-1 Annual leave shall be credited to employees as follows:

(a) Permanent employees shall be credited with leave at the rate of two days per calendar month plus an additional $\frac{1}{2}$ day in March, June, September, and December to employees who were continuously employed for the entire quarter-year ending in such months; or, a credit of 26 days may be given at the beginning of the calendar year in which it accrues in lieu of the monthly credit: *Provided*, that should an employee separate from the service before the expiration of the calendar year such credit will be reduced proportionately. The minimum credit for leave shall be the hourly equivalent of $\frac{1}{2}$ day, and additional credits shall be in multiples thereof.

(Continued on p. 625)

CONTENTS

THE PRESIDENT

	Page
EXECUTIVE ORDER:	
Annual and sick leave of Government employees, regulations.....	623
REGULATIONS AND NOTICES	
CIVIL AERONAUTICS BOARD:	
Continental Air Lines, Inc., hearing postponed.....	702
COAL MINES ADMINISTRATION:	
Barnes, W. A., et al., termination of government possession.....	700
FARM CREDIT ADMINISTRATION:	
Administrative officers, authority delegation for approval of loans.....	627
FEDERAL COMMUNICATIONS COMMISSION:	
Radio stations, newspaper ownership rules dropped.....	702
Rates and charges between U. S.-West Indies and Central and South America, hearing on investigation....	702
FEDERAL POWER COMMISSION:	
Hearings, etc.:	
Arkansas Power and Light Co.....	703
Hope Natural Gas Co., et al....	703
FEDERAL TRADE COMMISSION:	
Hearings, etc.:	
Atlantic Commercial Agency, Inc.....	706
Congoleum-Nairn, Inc.....	705
New Jersey Service Co., Inc., et al.....	706
United States Forwarding System, et al.....	706
FOREIGN ECONOMIC ADMINISTRATION:	
Olsen, Sigfried, Shipping Co., denial of licensing privileges.....	705

(Continued on p. 624)



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NOTICE

Book 1 of the Cumulative Supplement to the Code of Federal Regulations may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy. This book contains all Presidential documents issued during the period from June 2, 1938, through June 1, 1943, together with appropriate tables and index.

CONTENTS—Continued

GENERAL LAND OFFICE:		Page
Arizona, land withdrawal.....		695
Notices of official filing of plat of survey or resurvey, etc.....		701
OFFICE OF DEFENSE TRANSPORTATION:		
Coordinated operations plan; common carriers, Kentucky and Ohio.....		706
Division of Local Transport, delegation of authority (ODT 13).....		696
Joint action plans, recommendation for private, contract, etc., carriers.....		707
Petroleum and other liquid transport advisory committees, recommendation for establishment.....		708
OFFICE OF PRICE ADMINISTRATION:		
Bituminous coal (MPR 120, Am. 79).....		693
Charcoal (MPR 431, Am. 7).....		695
Food rationing for institutional users (Gen. RO 5, Am. 45).....		692
Gloves, staple work (MPR 506).....		684

CONTENTS—Continued

OFFICE OF PRICE ADMINISTRATION—Continued.		Page
Hogs, live (MPR 469, Am. 3).....		694
Live cattle, certification in line with Chicago prices.....		709
Locks and lock sets (MPR 317, Am. 2).....		694
Logs:		
Prime grade hardwood (MPR 313, Am. 6).....		695
West Coast (RMPR 161, Am. 11).....		694
Logs and bolts (MPR 348, Am. 31).....		682
Meat, fats, etc., rationing:		
(RO 16, Am. 98).....		677
(RO 16, Am. 99).....		695
Paperboard sold east of Rocky Mountains (RPS 32, Am. 10).....		678
Petroleum and petroleum products (RPS 88, Am. 153).....		692
Processed foods rationing (Rev. RO 13, Am. 2).....		695
Puerto Rico; clothing (RMPR 183, Am. 22).....		686
Regional and district office orders:		
Fluid milk, designated areas: Columbus, Wis.....		709
Mondovi and Gilmanton, Wis.....		710
Food and drink for immediate consumption, designated Kentucky counties (Restaurant MPR 3-14).....		687
Hawaii, delegation of authority.....		710
Steel castings and railroad specialties (RPS 41, Am. 10).....		678
Tires, tubes, etc., rationing (RO 1A, Am. 66).....		692
Tires and tubes:		
Federal government purchases (MPR 415, Am. 5).....		684
Original equipment (MPR 119, Am. 8).....		683
Typewriters, rationing (RO 4A, Am. 8).....		692
Valves, surplus brass or bronze (Order 26 under GMPR).....		691
RECLAMATION BUREAU:		
Klamath project, Oreg., first form withdrawal.....		700
Shoshone project, Wyo., revocation of first form withdrawal.....		700
RURAL ELECTRIFICATION ADMINISTRATION:		
Allocation of funds for loans (2 documents).....		701
SECURITIES AND EXCHANGE COMMISSION:		
Hearings, etc.:		
Cities Service Power and Light Co., et al.....		712
Federal Water and Gas Corp., et al.....		714
Florida Power Corp.....		713
Indiana Service Corp., et al.....		710
Iowa-Nebraska Light and Power Co.....		712
Lukens Steel Co., et al.....		713
Market Street Railway Co.....		712

CONTENTS—Continued

SECURITIES AND EXCHANGE COMMISSION—Continued.		Page
Hearings, etc.—Continued.		
Minneapolis, St. Paul and Sault Ste. Marie Railway Co.....		712
Southwestern Public Service Co.....		713
Virginia Electric and Power Co., et al.....		710
SELECTIVE SERVICE SYSTEM:		
North Carolina, disestablishment of boards of appeal.....		715
SOLID FUELS ADMINISTRATION FOR WAR:		
Coal deficiency in designated northeastern states, notice to producers.....		701
STATE DEPARTMENT:		
Blocked nationals, proclaimed list.....		652
TREASURY DEPARTMENT:		
Treasury bonds, offering for sales, etc.:		
2¼ percent bonds of 1956-59.....		697
2½ percent bonds of 1965-70.....		696
Treasury certificates series A-1945, offering for sale, etc.....		698
WAGE AND HOUR DIVISION:		
Minimum wage rates, designated industries:		
Chemicals, petroleum and coal products, etc., industries.....		652
Construction industry.....		655
Logging, lumber, etc., industries.....		654
Wholesaling, warehousing, etc., industries.....		653
Western Union Telegraph Co., employment of messengers at sub-minimum wage.....		702
WAR DEPARTMENT:		
Bridge regulations; North Carolina bridges.....		695
Operation of railroads; wage agreement of Jan. 14, 1944 (3 documents).....		698, 699
WAR FOOD ADMINISTRATION:		
Agricultural labor, wages and salaries.....		655
Cottonseed, peanut, etc., oils (FDO 29, Am. 5).....		651
Fertilizer (2d Rev. FPO 5, Am. 1).....		632
Grapefruit juice, Commodity Credit Corporation offer of payment.....		628
Insular agricultural conservation program, acreage allotments.....		632
Live cattle, certification in line with Chicago prices.....		715
Milk and cream, designated areas:		
Austin, Tex.....		645
Charleston, S. C.....		638
Dallas, Tex.....		643
Durham, N. C.....		637
Ft. Worth, Tex.....		644
Galveston, Tex.....		647
Houston, Tex.....		641
Jackson, Miss.....		639

CONTENTS—Continued

WAR FOOD ADMINISTRATION—Con.	
Milk and cream, designated areas—Continued.	Page
Jacksonville, Fla.	635
Little Rock, Ark.	650
Miami, Fla.	632
San Antonio, Tex.	648
Savannah, Ga.	636
Shreveport, La.	649
Tampa-St. Petersburg, Fla.	633
Waco, Tex.	642
WAR PRODUCTION BOARD:	
Acetic anhydride, acetic acid, etc. (M-243)	669
Aircraft (L-262, Rev.)	664
Bakery machinery (L-292, Quota Schedule II)	664
Carbon tetrachloride (M-363)	671
Certificates of approval, etc.: Joint action plans for private, contract, etc. carriers.	715
Petroleum and other liquid transport advisory committees.	715
Consent order; Capitol Fixture and Supply Co.	715
Controllers, electric motor (L-250)	662
Cooking appliances, domestic (L-23-c)	665
Cotton textile distribution (M-317, Int. 1)	675
Furniture: (L-135, Rev.)	660
(L-260)	660
Jewelry (L-45)	668
Magnesium product deliveries (Directive 34)	659
Osmium (M-302)	674
Plumbing, heating and cooking equipment: (L-79)	666
(L-79, Int. 1)	668
Plumbing and heating equipment and repairs: (P-84, Rev.)	668
(P-84a, Rev.)	661
Scales, balances, etc. (L-190)	673
Strategic materials, imports (M-63-g)	661
Suspension order; James A. Gavin and Sons, Inc.	674
Vending machines: (L-27)	668
(L-27-a, Rev.)	661

(b) Temporary employees shall be credited with leave of 2½ days for each month of service. After the first month of service such leave may be credited at the beginning of the month in which it accrues.

(c) Indefinite employees shall be credited with leave of two days for each month of service plus an additional ½ day when the service aggregates three months.

SECTION 2.2 Accumulated annual leave may be carried forward for use in succeeding years until it totals not exceeding 60 days: *Provided*, that during the period of the present emergency 30 days additional leave may be accumulated: *Provided further*, that when accumulated leave equals or exceeds 60 days, further increase in accumulated leave shall be limited to 15 days in any succeeding year.

GRANT OF ANNUAL LEAVE

SECTION 2.3 Annual leave shall be granted to an employee on his request at such times as the heads of the departments and agencies may prescribe. Employees during their first year of service shall not be granted leave in excess of the amount accrued to their credit. The minimum charge for annual leave shall be one hour, and additional leave shall be charged in multiples of one hour.

SECTION 2.4 An employee who is to be separated from the service shall be entitled to the unused annual leave standing to his credit, and the date of his separation shall be so fixed as to permit him to take such leave, and in no case, whether the separation be voluntary or involuntary, shall the separation become effective on a date prior to the date of termination of such leave: *Provided*, that an employee who elects to forfeit the leave standing to his credit may do so by filing a written notice to such effect.

SECTION 2.5 When an employee is absent from duty and in attendance in court as a witness in behalf of the United States or the Government of the District of Columbia, or for jury duty in any State court or court of the United States, the absence from duty shall not be charged against annual leave but should be recorded as "court leave".

PART III—SICK LEAVE

ACCRUAL OF SICK LEAVE

SECTION 3.1

(a) Permanent employees shall be credited with sick leave at the rate of 1¼ days per month. The minimum credit for sick leave shall be one hour, and additional credits shall be in multiples thereof.

(b) Temporary and indefinite employees shall be credited with 1¼ days of sick leave for each month of service.

(c) Sick leave accruing during any month of service shall be available at any time during that or any subsequent month.

SECTION 3.2 Unused sick leave shall be cumulative and available for future use: *Provided*, that the balance to the credit of the employee at the end of any month shall not exceed ninety days.

GRANT OF SICK LEAVE

SECTION 3.3 Sick leave shall be granted to employees when they are incapacitated for the performance of their duties by sickness, injury, or pregnancy and confinement, or for medical, dental or optical examination or treatment, or when a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee, or when, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others. The minimum charge for sick leave shall be one hour, and additional leave shall be charged in multiples of one hour.

SECTION 3.4 An employee who is absent on account of sickness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible. Failure to give such notice may result in the absence being charged to annual leave or leave without pay, as the circumstances may justify. Requests for sick leave for medical, dental, or optical examination or treatment shall be submitted for approval prior to the beginning of the leave.

SECTION 3.5 Written application on the prescribed form for grant of sick leave shall be filed within two days after the employee returns to duty. For periods of absence in excess of 3 work days the application must be supported by a medical certificate. Such certificate shall be filed within 15 days after return to duty: *Provided*, that when a medical certificate cannot reasonably be obtained, a certificate of the employee relating the facts incident to the illness may be accepted. All applications for sick leave for medical, dental, or optical examination or treatment shall be supported by a medical certificate.

SECTION 3.6 When sickness occurs within a period of annual leave and lasts in excess of 5 work days, the period of illness may be charged as sick leave and the charge against annual leave reduced accordingly. Application for such substitution of sick leave for annual leave shall be made within two days after return to duty and shall be supported by a medical certificate.

SECTION 3.7 Sick leave may not be granted for a period immediately following a period of absence in a non-pay status, unless and until there is a return to actual duty, nor may such leave without pay be converted to sick leave.

ADVANCE OF SICK LEAVE

SECTION 3.8 In cases of serious disability or ailments, and when the exigencies of the situation so require, sick leave may be advanced to permanent and

indefinite employees not in excess of 30 days: *Provided*, that no advances of sick leave shall be made to any employee unless the absence from duty on account of illness is for a period, or periods, of 5 or more consecutive work days; that every application for advance leave shall be supported by a medical certificate; that the total of such advances shall be charged against sick leave subsequently credited. Sick leave may be advanced irrespective of whether the employee has annual leave to his credit.

SECTION 3.9 Sick leave shall not be advanced to an employee holding a limited appointment, or one expiring on a specified date, in excess of the total sick leave that would accrue during the remaining period of such appointment.

PART IV—GENERAL PROVISIONS

SECTION 4.1

(a) Leave shall be credited in units of hours on the basis of the established work day. Fractional parts of an hour that equal or exceed $\frac{1}{2}$ hour shall be counted as one hour and fractions of less than $\frac{1}{2}$ hour shall be disregarded.

(b) Whenever the number of hours of duty in an employee's work day is permanently changed the leave standing to his credit shall be converted to the proper number of hours based upon the new work day.

(c) The accumulated leave of each employee, as of December 31, 1943, shall be converted from days-hours-minutes to units of hours. Fractional parts of an hour that equal or exceed $\frac{1}{2}$ hour shall be counted as one hour and fractions of less than $\frac{1}{2}$ hour shall be disregarded.

SECTION 4.2

(a) Leave shall accrue to an employee while in a leave-with-pay status providing he returns to duty.

(b) Annual leave shall not accrue to an employee while on terminal leave, whether by separation, furlough, or resignation. In such cases the accrual of leave shall cease at the close of the last day on which he was present for duty, and the final date of separation shall not be extended by the granting of sick or court leave: *Provided*, that this subsection shall not apply to employees who are on terminal leave on the date of issuance of this order.

SECTION 4.3 Whenever a permanent employee is absent on leave without pay 15 or more days during a calendar year, the credits for annual leave shall be reduced one day and for sick leave one-half day for each such period aggregating 15 days. Whenever such absences

total 90 days there shall be a further reduction of $\frac{1}{2}$ day in annual leave credits for each such period: *Provided*, that when an employee absent because of injury received in line of duty requests to be carried on leave-without-pay, he shall, upon his return to duty, receive credit for accrued leave covering the period for which he was paid disability compensation by the Employees' Compensation Commission.

SECTION 4.4 Leave shall not accrue during any period of suspension for disciplinary reasons which is in excess of three days.

SECTION 4.5 Leave shall be charged only for absence upon days which an employee would otherwise work and receive pay and shall be exclusive of Sundays which do not occur within a regular tour of duty, holidays, and all non-work days established by Federal statute or by Executive or administrative order: *Provided*, that when a holiday is declared by general administrative order to be a work day, an employee who absents himself from work without permission on that day shall be subject to a deduction of one day's pay.

SECTION 4.6 Unavoidable or necessary absence from duty not in excess of thirty minutes, and tardiness, shall be handled administratively by excuse for adequate reasons, or by requiring additional work, or by a charge against overtime previously worked beyond regular hours, or by disciplinary action, or by a charge against annual leave.

SECTION 4.7 In case of the separation of an employee who is indebted for advance leave, the employee shall refund the amount paid him for the period of such excess, or deduction therefor shall be made from any salary due him. This section shall not apply in cases of death, retirement, or reduction of force, or in case an employee who is not found eligible for retirement is unable to return to duty because of disability, evidence of which shall be supported by an acceptable medical certificate.

SECTION 4.8

(a) Leave without pay may be granted to an employee for a period not exceeding twelve months regardless of whether he has leave standing to his credit.

(b) An employee whose active services are terminated as a result of the expiration of a statute in connection with the administration of which he is employed and who at the time of such expiration has not exhausted the leave standing to his credit shall be granted leave without pay or furlough for a maximum period of twelve months.

SECTION 4.9 When an employee is appointed, reappointed, or transferred from one permanent position to another permanent position, without a break in service, his leave account shall be disposed of as follows:

(a) If the position is within the purview of the leave acts of March 14, 1936, the leave account shall be certified to the employing agency for credit or charge to the employee.

(b) If the position to which he is appointed or transferred is not within the purview of the leave acts of March 14, 1936, the employee shall be furnished with a statement of his leave account, and if he is subsequently appointed, reappointed, or transferred to another position within the purview of such acts, the leave shown to be due will be credited to his account.

SECTION 4.10

(a) When an employee is appointed, reappointed, or transferred without a break in service from a permanent position to a temporary position in the same agency, he shall be credited with such leave as may be due him or charged with any unaccrued leave which may have been advanced.

(b) When an employee is appointed, reappointed, or transferred without a break in service from a permanent position to a temporary position in a different agency he shall be furnished with a statement of his leave account and if subsequently he is appointed, reappointed, or transferred without a break in service to a permanent position the amount of leave shown to be due shall be credited to his account.

SECTION 4.11 Temporary employees who subsequently receive permanent appointments without break in service, either in the same or a different department or agency, shall be credited with such leave as may be due them, or charged with any unaccrued leave which may have been advanced.

PART V—ADMINISTRATION

SECTION 5.1 The heads or governing bodies of the various governmental agencies to which this Executive order applies shall be responsible for the proper administration of these regulations so far as they pertain to employees under their respective jurisdictions, and they shall maintain an account of leave for each employee in accordance with methods prescribed by the Civil Service Commission and approved by the Director of the Bureau of the Budget.

SECTION 5.2 The head or governing body of any governmental agency which

has employees who work 24-hour shifts, or other uncommon tours of duty, is authorized to promulgate supplemental regulations consistent with these regulations for administering leave for such employees.

SECTION 5.3 Nothing in these regulations shall be construed to prevent the continuance of any leave differential existing prior to January 1, 1936, for the benefit of employees of the Federal Government stationed without the continental limits of the United States. However, any department may, if it so desires, apply these regulations to employees stationed without the continental limits of the United States, subject to the continuance of such leave differential.

PART VI—EMPLOYEES EXCEPTED

SECTION 6.1 These regulations shall not apply to:

(a) Teachers and Librarians of the public schools of the District of Columbia.

(b) Officers and employees of the Panama Canal and the Panama Railroad Co., on the Isthmus of Panama.

(c) Temporary employees engaged on construction work at hourly rates.

(d) The Postmaster General and officers and employees in or under the Post Office Department, except those serving in the departmental service and in the Mail Equipment Shops.

(e) Employees not required to be continuously employed during regular tour of duty, such as (1) per diem or per hour employees engaged in an emergency who may be employed for more than one 7- or 8-hour shift within 24 hours during the emergency; (2) part-time or intermittent employees; (3) persons engaged under contract; (4) employees engaged temporarily for less than a month on a piece-price basis; (5) employees who are paid at hourly rates but who are not engaged on construction work, such as mechanics, skilled laborers, and others engaged in various services on maintenance, repair, clean-up work, etc., where employment is more or less intermittent and not on a regular and continuous basis; (6) consultants employed and paid on the basis of "when actually employed"; and (7) employees paid on a fee basis, such as physicians, surgeons, and other consultants.

(f) Alien and native labor employed outside the continental limits of the United States: *Provided*, that the head or governing body of any governmental agency which employs alien and native labor outside the continental limits of the United States may promulgate regulations governing the granting of leave to such employees.

SECTION 6.2 The regulations contained herein relating to sick leave shall

not apply to officers and members of the Police and Fire Departments of the District of Columbia other than civilian personnel.

PART VII—AMENDMENTS; EFFECTIVE DATE; PUBLICATION

SECTION 7.1 By virtue of the authority vested in me by the First War Powers Act, 1941, (55 Stat. 838), it is hereby ordered that, for the period of the war, the Civil Service Commission is authorized to promulgate amendments to these regulations.

SECTION 7.2 This order shall supersede Executive Orders No. 8384¹ and No. 8385² of March 29, 1940, No. 9307 of March 3, 1943,³ and No. 9371 of August 24, 1943,⁴ and shall be effective as of January 1, 1944.

SECTION 7.3 This order shall be published in the FEDERAL REGISTER.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,

January 13, 1944.

[F. R. Doc. 44-779; Filed, January 14, 1944; 2:17 p. m.]

Regulations

TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[FCA Order 393]

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

AUTHORIZATION TO APPROVE CERTAIN LOANS

Subject: Authorization to: Approve loans by Federal land banks in excess of \$25,000; approve loans by the Federal land banks to livestock corporations; approve land bank commissioner loans to livestock corporations.

Sections 3.12, 3.13, and 3.14 of Title 6, Code of Federal Regulations (4 F.R. 4676; 6 F.R. 2347) are hereby amended to read as follows:

§ 3.12 *Authorization to approve loans by the Federal land banks in excess of \$25,000.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing ap-

praiser and any special reviewer, to approve loans by the Federal land banks in excess of \$25,000, pursuant to paragraph Seventh of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 "Seventh"), as amended.

§ 3.13 *Approval of loans by the Federal land banks to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner, the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to paragraph Sixth of section 12 of the Federal Farm Loan Act (39 Stat. 370, 12 U.S.C. 771 "Sixth"), as amended by section 18 of the Farm Credit Act of 1935 (49 Stat. 319), loans by the Federal land banks to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the farm to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged.

§ 3.14 *Approval of land bank commissioner loans to livestock corporations.* Authorization is given, severally and not jointly, to any deputy land bank commissioner; the Chief, Appraisal Subdivision; the Chief, Appraisal Review and Analysis Section; the Chief Loan Analyst; any reviewing appraiser, assigned to the Central Office, and, in the respective Farm Credit Districts to which they are assigned, to any reviewing appraiser and any special reviewer, to permit, pursuant to section 32 of the Emergency Farm Mortgage Act of 1933 (48 Stat. 48, 12 U.S.C. 1016), as amended by section 2 (c) of the Farm Credit Act of 1935 (49 Stat. 313), loans by the Land Bank Commissioner to corporations engaged in the raising of livestock where not all the stock of the corporation is owned by individuals themselves personally actually engaged in the raising of livestock on the land to be mortgaged as security for the loan, but at least 75 per centum in value and number of shares of the stock of the corporation is owned by individuals personally actually so engaged.

(E.O. 6084, Mar. 27, 1933, 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agri., Jan. 6, 1940)

[SEAL]

A. G. BLACK,
Governor.

[F. R. Doc. 44-783; Filed, January 14, 1944; 8:42 p. m.]

¹ 5 F.R. 1253.

² 5 F.R. 1256.

³ 8 F.R. 2697.

⁴ 8 F.R. 11887.

Chapter II—War Food Administration
(Commodity Credit)

[CCC Grapefruit Juice Form 1]

PART 249—1943-1944 GRAPEFRUIT JUICE
PAYMENT PROGRAM

OFFER OF COMMODITY CREDIT CORPORATION
TO MAKE PAYMENTS IN RESPECT OF GRAPE-
FRUIT JUICE

In order to assure adequate production and distribution of grapefruit juice and to avoid an increase in prices to consumers of such grapefruit juice as directed by the Director of Economic Stabilization pursuant to Executive Orders 9250 and 9328, issued by the President of the United States, on October 3, 1942, and April 8, 1943, respectively, Commodity Credit Corporation (herein called "Commodity"), a corporate agency of United States of America, with offices at Washington, D. C., hereby offers to make grapefruit juice payments to eligible processors on eligible sales to the extent, in the manner, and subject to the terms and conditions specified in this offer.

Sec.

- 249.1 Eligible processors.
- 249.2 Eligible sales.
- 249.3 Reports of fresh fruit purchases, pack, sales, and government set-aside.
- 249.4 Deliveries excluded from computation of averages.
- 249.5 Determination of monthly area fruit costs.
- 249.6 Election of payment basis.
- 249.7 Determination of seasonal average area fruit costs.
- 249.8 Rates of payment.
- 249.9 Prerequisites to payment and interim settlements.
- 249.10 Interim settlements.
- 249.11 Adjustments.
- 249.12 Right to reject applications for payment.
- 249.13 Payment.
- 249.14 Effective date.
- 249.15 Termination.
- 249.16 Instructions and interpretations.
- 249.17 Books and records.
- 249.18 Assignments.
- 249.19 Definitions.
- 249.20 Delegation.
- 249.21 Correspondence.
- 249.22 Benefits.
- 249.23 Anti-discrimination.
- 249.24 Compliance with applicable executive orders.

AUTHORITY: §§ 249.1 to 249.24; inclusive, issued under sec. 7, 49 Stat. 4, as amended by 50 Stat. 5, 53 Stat. 510, 55 Stat. 498, and Pub. Law 151, 78th Cong.

§ 249.1 *Eligible processors.* Payments under this offer shall be available to processors in continental United States who make eligible sales (such processors being herein called "eligible processors"), upon compliance with the terms and conditions specified herein.

§ 249.2 *Eligible sales.* The term "eligible sale" as used herein means a bona fide sale and delivery of eligible grapefruit juice during the term of this offer, by a processor,

(a) To a primary distributor or wholesaler or retailer for resale for consumption other than by a Government agency, or

(b) To a consumer for consumption other than by a Government agency:

Provided, however, That the products included in such sale or sales were not packed, sold, or delivered in violation of any order or regulation of Office of Price Administration or War Food Administration or in violation of any applicable Federal or State law or regulation. This offer shall not extend to conditional sales, forward sales, or any sales which are not absolute sales in normal trade channels. In the event any eligible processor's total production of eligible grapefruit juice during the period October 1, 1943 to September 30, 1944 shall exceed 90% of such eligible processor's total production of grapefruit juice during the period of October 1, 1942 to September 30, 1943 (such total in respect of each period being inclusive of sales to Government agencies and export sales) no payments shall be made in respect of such excess except to the extent, if any, approved by Commodity.

In the event a processor makes a sale which qualifies as an eligible sale hereunder except that the grapefruit juice, which otherwise would be eligible grapefruit juice, which is the subject thereof was not packed by it but was purchased by it from the processor who packed such grapefruit juice, such a sale shall be deemed to be an eligible sale hereunder but: (1) application for payment (or interim settlement, as the case may be) in respect thereof pursuant to § 249.9 hereof shall be made to Commodity by the processor who packed such grapefruit juice, such application being forwarded to Commodity by the processor who made such sale accompanied by such evidence with respect to such eligible sale as Commodity shall require; and (2) payment shall be made by Commodity to, and the rates applicable to, the processor who packed such eligible grapefruit juice.

§ 249.3 *Reports of fresh fruit purchases, pack, sales, and government set-aside.* With respect to its operations during each calendar month included in the term of this offer, each eligible processor shall report to Commodity (within five days after publication of this offer in respect of the months of October, November, and December, 1943, and not later than the fifth day of the following month in respect of January 1944 and each subsequent calendar month) stating, separately as to each of the areas in which it operates:

(a) The total deliveries to its plants, in net tons, of grapefruit of the 1943-1944 crop during the calendar month for processing into eligible grapefruit juice showing separately:

- (1) The quantity actually delivered; and
- (2) The quantity which should be included in the determination of monthly area fruit costs pursuant to § 249.5 hereof

and that which should be excluded from such determination pursuant to § 249.4 hereof;

(b) The weighted average delivered cost per net ton to it of only such deliveries of grapefruit during the calendar month as are actually purchased and excluding all deliveries required to be excluded pursuant to § 249.4 hereof;

(c) The quantity of eligible grapefruit juice packed by it during the calendar month;

(d) The quantity of eligible grapefruit juice held by it set aside for sale to Government agencies for the 1943-1944 season to the end of the calendar month;

(e) The quantity of eligible grapefruit juice sold by it during the 1943-1944 crop season to the end of such calendar month: (i) to Government agencies, (ii) to others where payments hereunder are applicable to such sales; and (iii) to others where payments hereunder are not so applicable; and

(f) The total quantity of eligible grapefruit juice on hand.

In the event any processor who otherwise may be eligible shall fail to comply in all respects with the report requirements of this § 249.3, such processor shall, if and to the extent that Commodity shall direct, forfeit benefits and payments under this offer.

§ 249.4 *Deliveries excluded from computation of averages.* In respect of eligible processors which receive deliveries of grapefruit:

(a) From their producer-members if such eligible processors are cooperative associations; or

(b) Grown by them or by growers who, to a predominant extent, control or are controlled by them; or

(c) To be processed in their behalf by other processors or to be processed by them for other persons; or

(d) Other than on a specified price per ton or per box basis and for processing into eligible grapefruit juice,

deliveries of the types thus specified shall not be considered in determining either weighted average delivered costs pursuant to § 249.3 hereof or monthly area fruit costs pursuant to § 249.5 hereof, but all such deliveries shall be reported to Commodity pursuant to § 249.3 hereof separately from deliveries of grapefruit eligible for inclusion in such determinations of weighted average delivered costs and monthly area fruit costs.

Any processor may make inquiry of, and receive a ruling from, Commodity with respect to its status under this § 249.4 or Commodity may on its own initiative make a ruling with respect to the status of any processor hereunder. Each eligible processor shall as a part of, or prior to, its first report hereunder supply in writing to Commodity a specification with respect to the sources of its fruit and its buying methods.

§ 249.5 *Determination of monthly area fruit costs.* As soon as practicable after receipt of the monthly telegraphic reports required pursuant to § 249.3

hereof, Commodity shall determine, on the basis of such information as may be available to it, the weighted average area industry delivered cost (hereinafter called the "monthly area fruit cost") of grapefruit with respect to each area, delivered to processors' plants exclusively for processing, for each monthly period covered by such reports: *Provided, however*, That in the event any monthly area fruit cost as thus determined for any month during the term of this offer shall be in excess of the following applicable maximum costs or less than the following minimum costs, then such monthly area fruit cost for such month shall be the applicable maximum (or minimum, as the case may be) cost hereinafter set forth, rather than the cost determined in accordance with this sentence hereof:

Grapefruit area	Dollars per ton	
	Maximum	Minimum
Florida.....	\$38.35	\$24.47
Texas.....	37.25	24.09
California-Arizona.....	36.97	25.00

In respect of fresh grapefruit delivered to any eligible processor between October 1, 1943 and December 31, 1943, both dates inclusive, the monthly area fruit costs applicable thereto shall be deemed to be the same as those established for the month of January, 1944: *Provided, however*, That purchases of grapefruit delivered prior to January 1, 1944 shall not be considered in determining the monthly area fruit costs applicable to January, 1944. In respect of fresh grapefruit delivered to any eligible processor after May 31, 1944, the monthly area fruit costs applicable to such fresh grapefruit shall be those established for the month of May, 1944. In the event Commodity determines, in respect of any month, that reports made pursuant to § 249.3 hereof are inadequate properly to establish the monthly area fruit cost with respect to any area or areas, Commodity shall determine the monthly area fruit costs applicable to such area or areas for such month on the basis of prevailing prices in the fresh grapefruit market for fruit from such area or areas during such month adjusted to reflect appropriate differentials with respect to grapefruit for processing. Subject to the right of Commodity to correct or amend such determination in case of error, all determinations by Commodity of monthly area fruit costs shall be final and conclusive.

§ 249.6 *Election of payment basis.* Each eligible processor shall elect whether payments to it under § 249.13 hereof shall be computed: (a) on the basis (herein called the "packing month basis") of the monthly area fruit costs (determined pursuant to § 249.5 hereof) applicable: (1) to the month during which the eligible grapefruit juice included in any eligible sale was packed (irrespective of the month during which the grapefruit from which produced was

purchased or delivered), and (2) to the area in which grapefruit which was processed into such eligible grapefruit juice was grown; or (b) on the basis of its seasonal average area fruit costs (determined pursuant to § 249.7 hereof). In filing its first application for payment (or interim settlement, as the case may be) pursuant to § 249.9 hereof, eligible processor shall specify such election and the basis thus specified by eligible processor in such first application shall constitute its payment basis for the entire term of this offer. In the event any eligible processor elects to adopt the packing month basis, such eligible processor, in making applications for payment hereunder pursuant to § 249.9 hereof, is required to establish, to the satisfaction of Commodity, the calendar month or months in which the products, included in each eligible sale covered by each such application for payment, were packed.

§ 249.7 *Determination of seasonal average area fruit costs.* Commodity shall determine, as soon as practicable after May 31, 1944, with respect to each eligible processor who elects to adopt the seasonal average area fruit cost basis pursuant to § 249.6 hereof, on the basis of the applicable monthly area fruit costs, determined pursuant to § 249.5 hereof, for the period from October 1, 1943 to May 31, 1944, both dates inclusive, weighted according to the quantity of eligible grapefruit juice packed by such eligible processor during each month of such applicable period, such eligible processor's applicable weighted average seasonal delivered costs (herein called "seasonal average area fruit costs") per net ton in respect of grapefruit delivered to such eligible processor's plant or plants in each such area for processing into eligible grapefruit juice during such applicable period.

§ 249.8 *Rates of payment.* The rates of payment hereunder on eligible grapefruit juice, per dozen cans included in any eligible sale, shall be as specified in the three tables contained in Schedule A attached hereto and by this reference made a part hereof, for: (1) the monthly area fruit cost applicable to the month in which such eligible grapefruit juice was packed (in the case of eligible processors who elect to adopt the packing month basis); or (2) the eligible processor's seasonal average area fruit cost computed as provided in § 249.7 hereof (in the case of eligible processors who elect to adopt the seasonal average area fruit costs basis). Rates of payment for cans of sizes other than those referred to in Schedule A and for glass containers of any size shall be computed ratably according to the net content thereof upon the basis of the rates of payment for No. 2 cans. In respect of any classes of grapefruit, used by eligible processors for juicing, other than those specified in Schedule A, the applicable rates of payment hereunder shall be such as Commodity shall prescribe. For the purpose of computing the amount of payment on

each class of fruit included in each eligible sale, the payment applicable to a fraction of a dozen containers (metal or glass) shall be computed on the basis of the applicable per dozen rate or rates.

§ 249.9 *Prerequisites to payment and interim settlement.* Payments (or interim settlements, as the case may be) hereunder shall be made only to eligible processors who: (a) file applications, separately as to each area, for such payments (or interim settlements) in such form as may be prescribed by Commodity; and (b) supply, in respect of each such application for payment (or interim settlement) such supporting evidence, documents, and proofs as Commodity may require. An application for payment (or interim settlement, as the case may be) hereunder shall be filed by each eligible processor not oftener than once each calendar month unless and to the extent that more frequent filing is approved by Commodity.

§ 249.10 *Interim settlements.* In respect of any sales of eligible grapefruit juice made by an eligible processor who elects, pursuant to § 249.6 hereof, to adopt the seasonal average area fruit costs basis, prior to the determination of such eligible processor's applicable seasonal average area fruit costs as provided in § 249.7 hereof, such eligible processor may file application with Commodity for interim settlement. Any such interim settlement thus made shall be subject to final adjustment as provided in § 249.11 hereof. For the purpose of any such interim settlement, the rates of payment (herein called "interim payment rates") shall be as provided in § 249.8 hereof except that in lieu of using such eligible processor's seasonal average area fruit costs in such calculation, there shall be used the lowest applicable monthly area fruit costs, computed by Commodity pursuant to § 249.5 hereof, in respect of any month between January 1, 1944 and the date of such application for interim settlement.

§ 249.11 *Adjustments.* Commodity and each eligible processor who has received one or more interim settlements pursuant to § 249.10 hereof shall, as soon as practicable after determination, as provided in § 249.7 hereof, of such eligible processor's seasonal average area fruit costs, make appropriate adjustments between themselves, with respect to any difference between the aggregate amount of payments which such eligible processor has received from Commodity under interim settlements pursuant to § 249.10 hereof and the aggregate amount to which such eligible processor is entitled, on the basis provided in § 249.8 hereof, in respect of the eligible sales upon which such interim settlements were made. To the extent, if any, that the aggregate amount thus received in interim settlements pursuant to § 249.10 hereof exceeds the amount to which such eligible processor is entitled pursuant to § 249.8 hereof: (a) such eligible processor shall forthwith reimburse Commodity

ity; or (b) Commodity may, at its election, set off such amount against any amount due or to become due from Commodity to such eligible processor. To the extent, if any, that such eligible processor is entitled to a larger aggregate sum on the basis prescribed in § 249.8 hereof than it received in interim settlements pursuant to § 249.10, Commodity shall make payment of such excess as soon as practicable.

§ 249.12 *Right to reject applications for payment.* Commodity shall have the right to reject, in whole or in part, any application for payment (or for interim settlement) hereunder in the event such application for payment (or interim settlement) or the transactions reflected therein are not in conformity with this offer. Any such rejection, in whole or in part, shall not preclude the filing by an eligible processor, within the time limitations provided in this offer, of a new application with respect to the transactions involved in such rejected application or rejected portion thereof should such eligible processor desire to submit further evidence with respect to its alleged compliance with this offer.

§ 249.13 *Payment.* Commodity shall, as soon as practicable after receipt of each such application for payment (or for interim settlement, as the case may be), make payment thereof (to the extent found to be in conformity with this offer) to the eligible processor who made the application for payment (or interim settlement): *Provided, however,* That no more than one payment shall be made by Commodity hereunder in respect of the eligible grapefruit juice contained in any particular container. The making of any such payment or interim settlement shall not preclude Commodity from requiring restitution of any such payment or portion thereof in the event of a subsequent finding: (a) that any such claim is invalid, defective or incorrectly computed; or (b) that the eligible processor had not in fact complied with the terms of this offer. Such right shall be in addition to any and all other rights of Commodity in the premises. Each eligible processor shall: (1) report the quantities of the various classes of products covered by payments or interim settlements by Commodity which were subsequently rejected or returned to such eligible processor; and (2) make appropriate adjustment therefor either by set-off or otherwise, within such period of time as Commodity shall direct. Reports and adjustments shall be made within 30 days of such rejection or return by each eligible processor in respect of any such products rejected or returned subsequent to the termination of this offer.

§ 249.14 *Effective date.* This offer shall apply to all eligible sales of eligible grapefruit juice by eligible processors made on or after October 1, 1943, and, unless sooner terminated pursuant to § 249.15 hereof, shall continue in effect and be applicable to eligible sales of eligible grapefruit juice made by eligible processors prior to December 1, 1944: *Provided,* That all applications for payment in respect thereof must, in any

event, be made on or before December 31, 1944.

§ 249.15 *Termination.* Commodity reserves the right to amend or terminate this offer at any time by giving public notice of such amendment or termination. The issuance by Commodity or War Food Administration of a press release or the filing of the amendment or notice of termination with the FEDERAL REGISTER shall constitute sufficient public notice of any amendment or termination of this offer. Any such amendment or termination shall not preclude the subsequent filing of applications for payment hereunder by, and the making of payments to, eligible processors in respect of eligible sales of eligible grapefruit juice produced from fresh grapefruit delivered to plants of eligible processors not later than ten (10) days after the effective date of such amendment or termination pursuant to bona fide purchases made prior to the effective date of such amendment or termination: *Provided,* That such application for payment is made within ninety (90) days after the date of such amendment or termination or not later than December 31, 1944, whichever of said two dates shall be the earlier. In the event the issuance, amendment, modification or termination of any Maximum Price Regulation of the Office of Price Administration has the effect of reflecting or resulting in a raw fruit cost of grapefruit for processing into grapefruit juice different from those reflected in its present civilian ceiling prices on grapefruit juice, Commodity may, in its discretion, make such equitable adjustment as it may deem necessary in the rate or rates of payment provided for in § 249.8 hereof, and such adjusted rate or rates may be made applicable to eligible grapefruit juice sold by eligible processors subsequent to the effective date of the issuance, amendment, modification or termination of such Maximum Price Regulation.

In the event this offer be terminated in whole or in part effective:

(a) On a date other than the last day of a calendar month, the monthly area fruit costs for the month in which such termination occurs shall be determined pursuant to § 249.5 hereof on the basis of that portion of such calendar month to and including the effective date of such termination; or

(b) Prior to the end of the period specified in § 249.7 hereof as determinative of the seasonal average area fruit costs of eligible processors who elect, pursuant to § 249.6 hereof, to adopt the seasonal average area fruit cost basis, such seasonal average area fruit costs in respect of each such eligible processor shall be determined on the basis of the period from October 1, 1943 to the effective date of such termination (inclusive, however, of eligible grapefruit juice packed by eligible processors from grapefruit purchased in bona fide transactions prior to the effective date of such termination and delivered to eligible processors' plants not later than ten (10) days after such effective date.

§ 249.16 *Instructions and interpretations.* Commodity shall have the right

to amplify or clarify any provision or provisions of this offer without changing the substance hereof, or alter any procedure prescribed herein at any time by the issuance of instructions or interpretations in connection therewith.

§ 249.17 *Books and records.* All eligible processors shall maintain complete and accurate books, records and accounts (and furnish Commodity such information as it may request) with respect to all: (1) grapefruit purchased or otherwise acquired by them; (2) grapefruit processed; and (3) eligible sales made by them. All such books, records and accounts shall be carefully preserved for a period of not less than two (2) years and shall be available for inspection by Commodity or its designated agents or representatives at any reasonable time during such period.

§ 249.18 *Assignments.* Payments hereunder shall be made only to the eligible processor its approved assignee. No benefit or claim hereunder shall be assignable except with the written approval of Commodity.

§ 249.19 *Definitions.* For the purpose of this offer:

(a) The term "eligible grapefruit juice" means single strength grapefruit juice as defined in the applicable Official U. S. Standards for grapefruit juice, promulgated by the Secretary of Agriculture, sweetened or unsweetened, produced from grapefruit of the 1943-1944 crop delivered to the eligible processor on or subsequent to October 1, 1943, and prior to October 1, 1944, and packed by the eligible processor in hermetically sealed metal or glass containers, and sterilized by the use of heat: *Provided, however,* That the soluble solid content of any such grapefruit juice which is sweetened does not exceed 16° Brix cut-out reading.

(b) The term "1943-1944 crop" refers to grapefruit delivered to an eligible processor between October 1, 1943 and September 30, 1944, both dates inclusive;

(c) The term "person" means any individual, partnership, cooperative, corporation, association, or other business entity;

(d) The term "Government agency" means and includes the United States of America or any department, bureau, agency, or corporation thereof;

(e) The term "processor" means a person who produces: (1) As a result of processing operations conducted by him; or (2) by causing another to process in its behalf grapefruit owned by it, the eligible grapefruit juice which constitutes the subject matter of the eligible sales for which payments are claimed under this offer;

(f) The term "area" means the section of the United States in which the grapefruit, from which the eligible grapefruit juice in question is produced, was grown (irrespective of the place of packing), viz: "Florida", "Texas", or "California-Arizona"; and

(g) The term "sale and delivery" (as used in § 249.2 hereof) means sale at a fixed price, not in excess of the ceiling price established by the Office of Price

Administration as applicable to civilian sales in continental United States, accompanied by transfer of beneficial interest and risk.

§ 249.20 *Delegation.* Any act, approval, direction or determination provided in this offer to be taken or made by Commodity may be delegated by Commodity to any agent, representative, or agency to act in its place and stead or for its account.

§ 249.21 *Correspondence.* All correspondence, applications for payment, supporting documents, and notices required to be made to or filed with Commodity pursuant to this offer shall, unless Commodity shall otherwise prescribe, be sent or made to or filed with Commodity Credit Corporation, Washington 25, D. C.

§ 249.22 *Benefits.* No member of or delegate to the Congress of the United States shall be admitted to any share or part of this offer or to any benefit to arise herefrom but this provision shall not be construed to extend to benefits arising from this offer if accruing to a corporation.

§ 249.23 *Anti-discrimination.* Eligible processors in their processing and sale operations shall not discriminate against any worker because of race, creed, color, or national origin.

§ 249.24 *Compliance with applicable Executive Orders.* In their processing and sale operations eligible processors shall comply with Executive Order 9301 issued by the President of the United States on February 9, 1943 (8 F.R. 1825) to the extent determined to be applicable to such operations.

[SEAL] COMMODITY CREDIT CORPORATION,
By J. B. HUTSON,
President.

Attest: January 14, 1944.

NORINE J. FAUBLE,
Assistant Secretary.

SCHEDULE A

TABLE I—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM FLORIDA GRAPEFRUIT OF THE 1943-44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
38.21 and over.....	\$0.285	\$0.7200	\$1.5200
37.96-38.20.....	.280	.7075	1.4935
37.72-37.95.....	.275	.6950	1.4670
37.48-37.71.....	.270	.6825	1.4405
37.24-37.47.....	.265	.6700	1.4140
36.99-37.23.....	.260	.6575	1.3875
36.75-36.98.....	.255	.6450	1.3610
36.51-36.74.....	.250	.6325	1.3345
36.26-36.50.....	.245	.6200	1.3080
36.02-36.25.....	.240	.6075	1.2815
35.78-36.01.....	.235	.5950	1.2550
35.54-35.77.....	.230	.5825	1.2285
35.29-35.53.....	.225	.5700	1.2020
35.05-35.28.....	.220	.5575	1.1755
34.81-35.04.....	.215	.5450	1.1490

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
34.56-34.80.....	\$0.210	\$0.5325	\$1.1225
34.32-34.55.....	.205	.5200	1.0960
34.08-34.31.....	.200	.5075	1.0695
33.83-34.07.....	.195	.4950	1.0430
33.59-33.82.....	.190	.4825	1.0165
33.35-33.58.....	.185	.4700	.9900
33.11-33.34.....	.180	.4575	.9635
32.86-33.10.....	.175	.4450	.9370
32.62-32.85.....	.170	.4325	.9105
32.38-32.61.....	.165	.4200	.8840
32.13-32.37.....	.160	.4075	.8575
31.89-32.12.....	.155	.3950	.8310
31.65-31.88.....	.150	.3825	.8045
31.40-31.64.....	.145	.3700	.7780
31.16-31.39.....	.140	.3575	.7515
30.92-31.15.....	.135	.3450	.7250
30.68-30.91.....	.130	.3325	.6985
30.43-30.67.....	.125	.3200	.6720
30.19-30.42.....	.120	.3075	.6455
29.95-30.18.....	.115	.2950	.6190
29.70-29.94.....	.110	.2825	.5925
29.46-29.69.....	.105	.2700	.5660
29.22-29.45.....	.100	.2575	.5395
28.98-29.21.....	.095	.2450	.5130
28.73-28.97.....	.090	.2325	.4865
28.49-28.72.....	.085	.2200	.4600
28.25-28.48.....	.080	.2075	.4335
28.00-28.24.....	.075	.1950	.4070
27.76-27.99.....	.070	.1825	.3805
27.52-27.75.....	.065	.1700	.3540
27.27-27.51.....	.060	.1575	.3275
27.03-27.26.....	.055	.1450	.3010
26.79-27.02.....	.050	.1325	.2745
26.55-26.78.....	.045	.1200	.2480
26.30-26.54.....	.040	.1075	.2215
26.06-26.29.....	.035	.0950	.1950
25.82-26.05.....	.030	.0825	.1685
25.57-25.81.....	.025	.0700	.1420
25.33-25.56.....	.020	.0575	.1155
25.09-25.32.....	.015	.0450	.0890
24.84-25.08.....	.010	.0325	.0625
24.60-24.83.....	.005	.0200	.0360
Below 24.59.....	.000	.0000	.0000

TABLE II—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM TEXAS GRAPEFRUIT OF THE 1943-44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
37.21 and over.....	\$0.285	\$0.7200	\$1.5200
36.98-37.20.....	.280	.7075	1.4935
36.74-36.97.....	.275	.6950	1.4670
36.51-36.73.....	.270	.6825	1.4405
36.28-36.50.....	.265	.6700	1.4140
36.05-36.27.....	.260	.6575	1.3875
35.82-36.04.....	.255	.6450	1.3610
35.58-35.81.....	.250	.6325	1.3345
35.35-35.57.....	.245	.6200	1.3080
35.12-35.34.....	.240	.6075	1.2815
34.89-35.11.....	.235	.5950	1.2550
34.66-34.88.....	.230	.5825	1.2285
34.42-34.65.....	.225	.5700	1.2020
34.19-34.41.....	.220	.5575	1.1755
33.96-34.18.....	.215	.5450	1.1490
33.73-33.95.....	.210	.5325	1.1225
33.50-33.72.....	.205	.5200	1.0960
33.26-33.49.....	.200	.5075	1.0695
33.03-33.25.....	.195	.4950	1.0430
32.80-33.02.....	.190	.4825	1.0165
32.57-32.79.....	.185	.4700	.9900
32.34-32.56.....	.180	.4575	.9635
32.10-32.33.....	.175	.4450	.9370
31.87-32.09.....	.170	.4325	.9105
31.64-31.86.....	.165	.4200	.8840
31.41-31.63.....	.160	.4075	.8575
31.18-31.40.....	.155	.3950	.8310
30.94-31.17.....	.150	.3825	.8045
30.71-30.93.....	.145	.3700	.7780
30.48-30.70.....	.140	.3575	.7515
30.25-30.47.....	.135	.3450	.7250
30.02-30.24.....	.130	.3325	.6985
29.79-30.01.....	.125	.3200	.6720
29.55-29.77.....	.120	.3075	.6455
29.32-29.54.....	.115	.2950	.6190
29.09-29.31.....	.110	.2825	.5925
28.86-29.08.....	.105	.2700	.5660
28.62-28.85.....	.100	.2575	.5395
28.39-28.61.....	.095	.2450	.5130

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
28.16-28.38.....	\$0.090	\$0.2325	\$0.4865
27.93-28.15.....	.085	.2200	.4600
27.70-27.92.....	.080	.2075	.4335
27.46-27.69.....	.075	.1950	.4070
27.23-27.45.....	.070	.1825	.3805
27.00-27.22.....	.065	.1700	.3540
26.77-26.99.....	.060	.1575	.3275
26.54-26.76.....	.055	.1450	.3010
26.30-26.53.....	.050	.1325	.2745
26.07-26.29.....	.045	.1200	.2480
25.84-26.06.....	.040	.1075	.2215
25.61-25.83.....	.035	.0950	.1950
25.38-25.60.....	.030	.0825	.1685
25.14-25.37.....	.025	.0700	.1420
24.91-25.13.....	.020	.0575	.1155
24.68-24.90.....	.015	.0450	.0890
24.45-24.67.....	.010	.0325	.0625
24.21-24.44.....	.005	.0200	.0360
Below 24.21.....	.000	.0000	.0000

TABLE III—RATES OF PAYMENT PER DOZEN CANS OF ELIGIBLE GRAPEFRUIT JUICE PRODUCED FROM CALIFORNIA-ARIZONA GRAPEFRUIT OF THE 1943-44 CROP ON THE BASIS OF VARIOUS MONTHLY AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.5 OR SEASONAL AVERAGE AREA FRUIT COSTS DETERMINED PURSUANT TO § 249.7 HEREOF

Monthly area fruit cost or seasonal average area fruit cost (dollars per ton)	Rate of payment per dozen cans		
	No. 2	No. 3 cyl.	No. 10
36.37 and over.....	\$0.285	\$0.7200	\$1.5200
36.13-36.36.....	.280	.7075	1.4935
35.89-36.12.....	.275	.6950	1.4670
35.65-35.88.....	.270	.6825	1.4405
35.42-35.64.....	.265	.6700	1.4140
35.18-35.41.....	.260	.6575	1.3875
34.95-35.17.....	.255	.6450	1.3610
34.71-34.94.....	.250	.6325	1.3345
34.48-34.70.....	.245	.6200	1.3080
34.24-34.47.....	.240	.6075	1.2815
34.01-34.24.....	.235	.5950	1.2550
33.77-34.00.....	.230	.5825	1.2285
33.54-33.77.....	.225	.5700	1.2020
33.30-33.53.....	.220	.5575	1.1755
33.07-33.30.....	.215	.5450	1.1490
32.84-33.07.....	.210	.5325	1.1225
32.60-32.83.....	.205	.5200	1.0960
32.37-32.60.....	.200	.5075	1.0695
32.13-32.36.....	.195	.4950	1.0430
31.90-32.13.....	.190	.4825	1.0165
31.66-31.89.....	.185	.4700	.9900
31.43-31.66.....	.180	.4575	.9635
31.19-31.42.....	.175	.4450	.9370
30.96-31.19.....	.170	.4325	.9105
30.72-30.95.....	.165	.4200	.8840
30.49-30.72.....	.160	.4075	.8575
30.25-30.48.....	.155	.3950	.8310
30.02-30.25.....	.150	.3825	.8045
29.78-30.01.....	.145	.3700	.7780
29.55-29.78.....	.140	.3575	.7515
29.31-29.54.....	.135	.3450	.7250
29.08-29.31.....	.130	.3325	.6985
28.84-29.07.....	.125	.3200	.6720
28.61-28.84.....	.120	.3075	.6455
28.37-28.60.....	.115	.2950	.6190
28.14-28.37.....	.110	.2825	.5925
27.90-28.13.....	.105	.2700	.5660
27.67-27.90.....	.100	.2575	.5395
27.43-27.66.....	.095	.2450	.5130
27.20-27.43.....	.090	.2325	.4865
26.96-27.19.....	.085	.2200	.4600
26.73-26.96.....	.080	.2075	.4335
26.49-26.72.....	.075	.1950	.4070
26.26-26.49.....	.070	.1825	.3805
26.02-26.25.....	.065	.1700	.3540
25.79-26.02.....	.060	.1575	.3275
25.55-25.78.....	.055	.1450	.3010
25.32-25.55.....	.050	.1325	.2745
25.08-25.31.....	.045	.1200	.2480
24.85-25.08.....	.040	.1075	.2215
24.61-24.84.....	.035	.0950	.1950
24.38-24.61.....	.030	.0825	.1685
24.14-24.37.....	.025	.0700	.1420
23.91-24.14.....	.020	.0575	.1155
23.67-23.90.....	.015	.0450	.0890
23.44-23.67.....	.010	.0325	.0625
23.20-23.43.....	.005	.0200	.0360
Under 23.11.....	.000	.0000	.0000

[F. R. Doc. 44-817; Filed, January 15, 1944; 11:17 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—War Food Administration
(Agricultural Adjustment)

[ACP-1943-Insular-3]

PART 702—INSULAR AGRICULTURAL CON-
SERVATION PROGRAM1943 AGRICULTURAL CONSERVATION PROGRAM
BULLETIN, INSULAR REGION

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program Bulletin for the Insular Region, issued July 19, 1943, is hereby amended as follows:

Section 702.402 is amended by deleting paragraph (e) thereof, entitled "(e) Deduction in connection with rice acreage allotment."

Section 702.403 (d), is hereby amended as follows:

(d) *Payment in connection with tobacco acreage allotment.* Payment will be made at the rate of \$0.012 per pound (farm weight) of the normal yield of the farm for each acre in the tobacco acreage allotment: *Provided*, That, where the tobacco acreage allotment has not been planted in full, no payment will be made unless an acreage equal to the unplanted part of the tobacco acreage allotment (in addition to the minimum requirement under Practice No. 1) has been planted to one or more of the food crops specified by the Regional Director under § 702.401 (e) (1), or unless the State Office determines that the failure to fully plant the tobacco acreage allotment to tobacco or to such food crops was due to flood in 1943. (Minimum performance under Practice No. 1 for Puerto Rico, except in case of flood, is prerequisite to any payment under the tobacco provisions of the 1943 Agricultural Conservation Program Bulletin for the Insular Region.)

Section 702.403 is further amended by deleting paragraph (e) thereof, entitled "(e) Deduction for excess tobacco acreage."

(49 Stat. 1148, 1915; 50 Stat. 329; 32 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 723; 55 Stat. 257, 860; 56 Stat. 761; 16 U.S.C. (1940 Ed.) 590g-590q; 55 Stat. 838; E.O. 9322, 8 F.R. 3807, E.O. 9334, 8 F.R. 5423)

Issued at Washington, D. C. this 14th day of January 1944.

GROVER B. HILL,
First Assistant
War Food Administrator.

[F. R. Doc. 44-784; Filed, January 14, 1944;
3:42 p. m.]

Chapter X—War Food Administration
(Production Orders)

[FPO 5, Rev. 2, Amdt. 1]

PART 1206—FERTILIZER

DELIVERY AND USE OF FERTILIZER

Section 1206.1 (8 F.R. 14649) is hereby amended as set forth below:

Paragraph (g) (3) is amended to read:

(3) Fertilizer manufacturers, dealers and agents shall accept applications and make deliveries of fertilizers for use on Group A crops before delivering fertilizers for use on Group B crops requiring fertilizers at the same time, but applications for fertilizer for Group A crops shall be made at least 30 days in advance of the date such fertilizer is required in order to obtain preference over applications for fertilizer for Group B crops requiring fertilizer at the same time. Fertilizer manufacturers, dealers and agents shall accept applications for Production-Increment fertilizers for use on Production-Increment crops at any time. Deliveries of such Production-Increment fertilizers shall be made in accordance with the provisions of paragraph (h) (3) of this order or in accordance with directions issued by the Director. Deliveries of mixed fertilizers and materials for Group A and Group B crop requirements shall, in all cases, receive priority over deliveries of Production-Increment fertilizer for Production-Increment crops.

Schedule I attached to Food Production Order No. 5, Revision No. 2, is hereby amended as follows:

In the approved grades of fertilizer listed for Georgia, "4-10-8;" is changed to "4-4-8;"

In the approved grades of fertilizer listed for Arkansas, "10-0-10;" and "12-8-0;" are deleted.

In the approved grades of fertilizer listed for Kentucky, "4-12-14;" is changed to "4-12-4;"

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 15th day of January 1944.

WILSON COWEN,
Assistant War Food Administrator.

[F. R. Doc. 44-864; Filed, January 17, 1944;
11:25 a. m.]

Chapter XI—War Food Administration
(Distribution Orders)

[FDO 79-115]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE MIAMI, FLA.,
METROPOLITAN SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.149 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk by-products for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Miami, Florida, metropolitan milk sales area, and is referred to hereinafter as the "sales area":

The city of Miami and the entire area included in the election precincts numbered 1 to 84, inclusive, that part of 85 comprising parts of Miami Springs town, 87 to 106, inclusive, and those parts of 107, 108, 109, 110, 111, 112, comprising parts of the cities of Coral Gables, Miami, and South Miami, all in Dade County, Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computation set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-741; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-116]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE TAMPA-ST. PETERSBURG, FLA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.150 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk,

cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Tampa-St. Petersburg, Florida, milk sales area, and is referred to hereinafter as the "sales area":

The cities of Tampa, in Hillsborough County, and St. Petersburg, in Pinellas County; the election precincts numbered 1 to 40, inclusive, 42, 43, 44, that part of 46 comprising part of Temple Terrace city, 58, 59, and 60, in Hillsborough County; the election precincts numbered 1 to 21, inclusive, 21A, and 22 to 47, inclusive, in Pinellas County, Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk

within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired,

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-742; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-117]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE JACKSONVILLE, FLA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.148 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Jacksonville, Florida, milk sales area, and is referred to hereinafter as the "sales area":

The area included within the city of Jacksonville and Duval County in the State of Florida.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And pro-*

vided further, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 400 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another:

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market

agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-743; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-118]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SAVANNAH, GA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.151 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Savannah, Georgia, milk sales area, and is referred to hereinafter as the "sales area":

The city of Savannah and Chatham County, all in the State of Georgia.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to

the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-744; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-119]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE DURHAM, N. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.152 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purposes of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound

of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Durham, North Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Durham and the townships of Durham and Patterson, all in Durham County, North Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 100 units of milk, cream, and milk byproducts. For the purpose of this

order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk by-products; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the

Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-745; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-120]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE CHARLESTON,
S. C., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7,

1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.153 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9,375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Charleston, South Carolina, milk sales area, and is referred to hereinafter as the "sales area":

The city of Charleston and Charleston County, all in the State of South Carolina.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied

by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 250 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (1) to permit deliveries

to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.* Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may re-

quire for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-746; Filed, January 13, 1944; 5:07 p. m.]

[FDO 79-121]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE JACKSON, MISS., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.154 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (f) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Jackson, Mississippi, milk sales area, and is referred to hereinafter as the "sales area":

The city of Jackson and the area included in beats 1, 4, and 5, all in Hinds County, Mississippi.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computation set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an ex-

ceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-747; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-122]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE HOUSTON, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.155 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Houston, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Houston, Justices' precincts 1, 2, 8, and that part of Justices' precinct 3 lying west of the San Jacinto River and that part of Justices' precinct 3 east of the San Jacinto River which lies south of the Texas and New Orleans Railroad, all in Harris County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream;

and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms

prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(c) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-748; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-123]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE WACO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.156 *Quota restrictions—(a) Definitions.* When used in this order,

unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Waco, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Waco and justices' precincts 1 and that part of 4 comprising part of the city of Waco, all in McLennan County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof

become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a

public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quota pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each

calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-749; Filed, January 13, 1944;
5:07 p. m.]

[FDO 79-124]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE DALLAS, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.157 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the

base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Dallas, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Dallas and justices' precincts 1, 2, 3, 7, and 8, all in Dallas County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent

a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-750; Filed, January 13, 1944;
5:08 p. m.]

[FDO 79-125]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE FT. WORTH, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.158 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Fort Worth, Texas, milk sales area, and is

referred to hereinafter as the "sales area":

The city of Fort Worth and justices' precincts 1, 2, 5, and 6, all in Tarrant County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which

show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-751; Filed, January 13, 1944;
5:08 p. m.]

[FDO 79-126]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE AUSTIN, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.159 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall,

when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundred-weight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundred-weight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Austin, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Austin and justices' precincts 1, 2, 3, 5, and 6 in Travis County, all in the State of Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream, and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on

the effective date of this order and which was served by another handler during the base period.

(1) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese

delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E. O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-752; Filed, January 13, 1944;
5:08 p. m.]

[FDO 79-127]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE GALVESTON, TEX. SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.162 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof.

(For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Galveston, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Galveston and justices' precincts 1, 2, and 5, all in Galveston County, Texas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools: *And provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids

he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

[FDO 79-128]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SAN ANTONIO, TEX., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.163 *Quota restrictions*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area*. The following area is hereby designated as a "milk sales area" to be known as the San Antonio, Texas, milk sales area, and is referred to hereinafter as the "sales area":

The city of San Antonio and justices' precincts 1, 2, 6, 7, 8 and that part of justices' precinct 2 lying east of Leon Creek, all in Bexar County, Texas.

(c) *Base period*. The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And provided further*, That in the computations set forth

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports*. Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records*. Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration*. Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations*. The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval*. The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date*. This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-753; Filed, January 13, 1944;
5:08 p. m.]

in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas*. Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers*. Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments*. Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries*. The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions*. Quota shall not apply to any handler who deliveries in a quota period a daily average of less than 500 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions*. Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market

agent to establish volumes of deliveries of milk, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production, as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-754; Filed, January 13, 1944;
5:08 p. m.]

[FDO 79-129]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE SHREVEPORT, LA., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.164 *Quota restrictions*—(a) *Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Shreveport, Louisiana, milk sales area, and is referred to hereinafter as the "sales area":

The city of Shreveport, police jury ward 2 in Bossier Parish, and police jury ward 4 in Caddo Parish, all in the State of Louisiana.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: *Provided*, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; *And Provided further*, That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of

the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required for the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in

accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-755; Filed, January 13, 1944;
5:08 p. m.]

[FDO 79-130]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN THE LITTLE ROCK, ARK., SALES AREA

Pursuant to the authority vested in me by Food Distribution Order No. 79 (8 F.R. 12426), issued on September 7, 1943, as amended, and to effectuate the purposes of such order, it is hereby ordered as follows:

§ 1401.166 *Quota restrictions—(a) Definitions.* When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent hereof:

(1) Each term defined in Food Distribution Order No. 79, as amended, shall, when used herein, have the same meaning as is set forth for such term in Food Distribution Order No. 79, as amended.

(2) The term "FDO 79" means Food Distribution Order No. 79, issued on September 7, 1943, as amended.

(3) The term "sub-handler" means any handler, such as a peddler; vendor, sub-dealer, or secondary dealer, who purchases in a previously packaged and processed form milk, cream, or milk byproducts for delivery.

(4) The term "industrial user" means a person, as determined by the market agent, in the capacity of a manufacturer of products using as an ingredient therein milk, cream, or milk byproducts, which products are disposed of for resale to consumers off the premises where made.

(5) The term "base" means the total pounds of milk solids delivered by a handler within the sales area during the base period (i) in the form of milk, or (ii) in the form of cream and milk byproducts, minus the milk solids in quota-exempt deliveries of milk, and cream and milk byproducts, as described in (j) hereof. (For the purpose of this order, the milk solids content of milk, milk byproducts, and cream shall be computed as follows: Each hundredweight of milk, cream, or milk byproducts other than cottage, pot, or baker's cheese, shall be considered the equivalent of 9.375 pounds of milk solids plus the number of pounds of milk solids calculated by multiplying the pounds of butterfat in such milk, and cream and milk byproducts by .906; and each hundredweight of cottage, pot, or

baker's cheese shall be considered the equivalent of 62.5 pounds of milk solids plus one pound of milk solids for each one percent of butterfat content of such cheese.)

(b) *Milk sales area.* The following area is hereby designated as a "milk sales area" to be known as the Little Rock, Arkansas, milk sales area, and is referred to hereinafter as the "sales area":

The city of Little Rock and the townships of Badgett, Big Rock, and Hill, all in Pulaski County, Arkansas.

(c) *Base period.* The calendar month of June 1943 is hereby designated as the base period for the sales area: Provided, That the month of May may be used as the base period for computing base and quota for deliveries to elementary, junior high and high schools; and *Provided further,* That in the computations set forth in (e) hereof the total deliveries to elementary, junior high, and high schools in the base period shall be divided by the number of days such schools were in session in lieu of the total number of days in the base period as set forth in (e) (1) and the average daily deliveries so determined shall be multiplied by the number of days such schools are in session in each quota period in lieu of the number of days in the quota period as set forth in (e) (2).

(d) The remainder of the calendar month in which the provisions hereof become effective and each subsequent calendar month, respectively, is hereby designated as the quota period for the sales area.

(e) *Handler quotas.* Quotas for each handler other than a sub-handler or producer-handler shall be determined as follows:

(1) Divide his respective bases by the number of days in the base period;

(2) Multiply the foregoing result by the number of days in the quota period; and

(3) Multiply the aforesaid resulting amounts by 100 percent in the case of the base for milk, and 75 percent in the case of the base for cream and milk byproducts.

(f) *Quotas for handlers who are also producers.* Quotas for each handler who is also a producer and who purchases no milk shall be computed in accordance with (e) hereof, except:

(1) His base period shall be either June or December, whichever represents his larger total deliveries; and,

(2) The applicable percentages shall be 100 percent in lieu of those specified in (e) (3).

(g) *Quota adjustments.* Each handler may increase his quota for milk within any quota period by one pound of milk solids for each one pound of milk solids he reduces his quota for cream and milk byproducts.

(h) *Cream deliveries.* The units of cream delivered subject to quota in any quota period shall not exceed 100 percent of the units of cream in his base, irrespective of the milk solids content of such deliveries.

(i) *Handler exemptions.* Quota shall not apply to any handler who delivers

in a quota period a daily average of less than 200 units of milk, cream, and milk byproducts. For the purpose of this order, a unit shall be the equivalent in volume of the following: (1) One quart of milk, buttermilk, or fluid milk byproducts; (2) one-half pint of cream; and (3) one-half pound of cottage, pot, or baker's cheese.

(j) *Quota exclusions and exemptions.* Deliveries of milk, milk byproducts, or cream (1) to other handlers, except for such deliveries to sub-handlers, (2) to plants engaged in the handling or processing of milk, milk byproducts, cream or other dairy products from which no milk, milk byproducts, or cream, is delivered in the sales area, (3) to industrial users, and (4) to the agencies or groups specified in (d) of FDO 79, shall be excluded from the computation of deliveries in the base period and exempt from charges to quotas.

(k) *Transfers of bases.* The market agent is empowered to transfer base from one handler to another.

(1) Upon receipt of a request in writing from both handlers; and

(2) Upon application from a handler and written notice to the Director and to both handlers, (i) to permit deliveries to a purchaser not being served by a handler whose quota reflects deliveries to such purchaser in the base period, (ii) to permit a handler to serve an account which customarily rotates among several handlers inclusive of a contract let by a public agency or institution on a bid basis, and (iii) to permit a handler to serve an account which he is serving on the effective date of this order and which was served by another handler during the base period.

(l) *Consumer priorities.* In the distribution of milk subject to quotas established hereunder, a handler shall give preference in the order listed, taking into consideration the type of purchasers served by him in the base period, to:

(1) The need of children, expectant mothers, and invalids requiring milk;

(2) Homes and retail stores handling milk for consumption off the premises; and

(3) Establishments serving milk for consumption on the premises.

(m) *Petition for relief from hardship.*

(1) Any person affected by FDO 79 or the provisions hereof who considers that compliance therewith would work an exceptional and unreasonable hardship on him, may file with the market agent a petition addressed to the Director. The petition shall contain the correct name, address and principal place of business of the petitioner, a full statement of the facts upon which the petition is based, and the hardship involved and the nature of the relief desired.

(2) Upon receiving such petition the market agent shall immediately investigate representations and facts stated therein.

(3) After investigation, the petition shall be certified to the Director, but prior to certification the market agent may (i) deny the petition or (ii) grant temporary relief for a total period not to exceed 60 days.

(4) Denials or grants of relief by the market agent shall be reviewed by the Director and may be affirmed, modified, or reversed by the Director.

(n) *Reports.* Each handler shall transmit to the market agent on forms prescribed by the market agent the following reports:

(1) Within 20 days following the effective date of this order, reports which show the information required by the market agent to establish such handler's quotas;

(2) Within 20 days following the close of each quota period, the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts during the preceding quota period; and

(3) Handlers exempt from quotas pursuant to (i) hereof shall, upon the request of the market agent, submit the information required by the market agent to establish volumes of deliveries of milk, cream, and milk byproducts.

(o) *Records.* Handlers shall keep and shall make available to the market agent such records of receipts, sales, deliveries, and production as the market agent shall require for the purpose of obtaining information which the Director may require for the establishment of quotas as prescribed in (b) of FDO 79.

(p) *Expense of administration.* Each handler shall pay to the market agent, within 20 days after the close of each calendar month, an assessment of \$0.015 per hundredweight of each of milk, milk byproducts, cream, and skim milk equivalent of cottage, pot, or baker's cheese delivered during the preceding quota period and subject to quota regulations under the provisions hereof.

(q) *Violations.* The market agent shall report all violations to the Director together with the information required to the prosecution of such violations.

(r) *Bureau of the Budget approval.* The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(s) *Effective date.* This order shall take effect at 12:01 a. m., e. w. t., February 1, 1944.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; FDO 79, 8 F.R. 12426, 13283)

Issued this 13th day of January 1944.

ROY F. HENDRICKSON,
Director of Food Distribution.

[F. R. Doc. 44-756; Filed, January 13, 1944;
5:08 p. m.]

[FDO 29, Amdt. 5]

PART 1460—FATS AND OILS

USE AND DISTRIBUTION OF COTTONSEED, PEANUT, SOYBEAN, AND CORN OIL

Food Distribution Order 29, as amended (8 F.R. 5619; 8623; 10970; 15551) § 1460.13, is amended as follows:

By deleting the provisions in (f) (1) and (2) thereof and inserting, in lieu thereof, the following:

(f) *Prohibited uses of cottonseed, peanut, soybean, or corn oil, and fatty acids derived therefrom.* (1) Except as specifically authorized by the Director, no person, including an industrial user, shall use crude, refined, or otherwise processed cottonseed, peanut, soybean, or corn oil, or any fatty acids derived from any of such oils, or any mixture of any of such oils or fatty acids, or any mixture of such oils or fatty acids with any other material, in the manufacture of any of the following products:

(i) Soap, exclusive of USP X11 soap for medicinal use, and soft soap, hospital grade, according to United States Army Specifications No. 4-1027A (Feb. 5, 1941) for delivery to the United States Army;

(ii) Paints, varnishes, lacquers and all other protective coatings, except that soybean oil may be used in synthetic resins and as a plasticizer in lacquers;

(iii) Linoleum, felt base floor covering, oilcloth and coated fabrics, except that soybean oil may be used as a plasticizer in coated fabrics other than linoleum, oilcloth, and felt base floor coverings;

(iv) Printing inks, including lithographing, offset, silk screen, and other processing inks;

(v) Animal and poultry feed, including vitamin preparations for animals and poultry, but excluding medicinals and pharmaceuticals for animals and poultry;

(vi) Core oils.

(2) The restrictions of paragraphs (f) (1) (i), (ii), (iii), (iv), (v) and (vi) hereof, shall not apply to the use of:

(i) any cottonseed, peanut, soybean, or corn oil which is a by-product or residue (except stearine) of a permitted processing of such oil or which consists of tank bottoms, or

(ii) Any fatty acids derived from cottonseed, peanut, soybean, or corn oil which is a by-product or residue (except stearine) of a permitted processing of such oil or which consists of tank bottoms.

With respect to violations of said Food Distribution Order 29, as amended, rights accrued, or liabilities incurred prior to the effective date of this amendment, said Food Distribution Order 29, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

This amendment shall become effective January 18, 1944 at 12:01 a. m., e. w. t.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 12th day of January 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-737; Filed, January 13, 1944;
4:20 p. m.]

TITLE 22—FOREIGN RELATIONS

Chapter III—Proclaimed List of Certain Blocked Nationals

[Revision VI, Cum. Supp. 4]

ADMINISTRATIVE ORDER

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Administrator of Foreign Economic Administration, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), Cumulative Supplement 4 containing certain additions to amendments to, and deletions from The Proclaimed List of Certain Blocked Nationals, Revision VI of October 7, 1943 (8 F.R. 13883), is hereby promulgated.¹

By direction of the President:

CORDELL HULL,
Secretary of State.

RANDOLPH PAUL,
Acting Secretary of the Treasury.

FRANCIS BIDDLE,
Attorney General.

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

LEO T. CROWLEY,
Administrator, Foreign
Economic Administration.

NELSON A. ROCKEFELLER,
Coordinator of Inter-
American Affairs.

JANUARY 14, 1944.

[F. R. Doc. 44-828; Filed, January 15, 1944;
1:10 p. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division

PART 643—MINIMUM WAGE RATE IN THE CHEMICAL, PETROLEUM AND COAL PRODUCTS, AND ALLIED MANUFACTURING INDUSTRIES

In the matter of the recommendation of Industry Committee No. 60 for a minimum wage rate in the chemical, petroleum and coal products, and allied manufacturing industries.

Whereas on May 12, 1943, by Administrative Order No. 193, the Administrator, acting pursuant to sections 5 and 8, of the Fair Labor Standards Act of 1938, appointed Industry Committee No. 60 for the chemical, petroleum and coal products, and allied manufacturing industries, and directed the Committee to recommend minimum wage rates for the chemical, petroleum and coal products, and allied manufacturing industries in accordance with section 8 of the act; and

Whereas the Committee included nine disinterested persons representing the public, a like number of persons representing employers in the chemical, petroleum and coal products, and allied

¹ Filed with the Division of the Federal Register in The National Archives. Requests for printed copies should be addressed to the Federal Reserve Banks or the Department of State.

manufacturing industries, and a like number representing employees in the industries, and each group was appointed with due regard to the geographical regions in which the chemical, petroleum and coal products, and allied manufacturing industries are carried on; and

Whereas Industry Committee No. 60 on June 9, 1943, after investigation of conditions in the industries, filed with the Administrator a report containing its recommendation for a minimum wage rate of 40 cents an hour in the chemical, petroleum and coal products, and allied manufacturing industries; and

Whereas after notice published in the FEDERAL REGISTER on June 29, 1943, William B. Grogan, the Presiding Officer designated by the Administrator, held a public hearing on July 15, 1943, at New York, New York, upon the Committee's recommendation; and

Whereas the complete record of the proceedings before the Presiding Officer was transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all of the evidence adduced in this proceeding and giving consideration to the provisions of the act with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the chemical, petroleum and coal products, and allied manufacturing industries, as defined in Administrative Order No. 193, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 60 for a Minimum Wage Rate in the Chemical, Petroleum and Coal Products, and Allied Manufacturing Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, *Now therefore, it is ordered, That:*

Sec.

643.1 Approval of recommendation of Industry Committee No. 60.

643.2 Wage rate.

643.3 Posting of notices.

643.4 Definition of chemical, petroleum and coal products, and allied manufacturing industries.

643.5 Scope of the definition.

643.6 Effective date.

AUTHORITY: §§ 643.1 to 643.6, inclusive, issued under sec. 8, 52 Stat. 1060, 1064; 29 U.S.C. 208.

§ 643.1 *Approval of recommendation of Industry Committee No. 60.* The Committee's recommendation is hereby approved, and, in accordance with such recommendation.

§ 643.2 *Wage rate.* Wages at a rate of not less than 40 cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the chemical, petroleum and coal products, and allied

manufacturing industries who is engaged in commerce or in the production of goods for commerce.

§ 643.3 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the chemical, petroleum and coal products, and allied manufacturing industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 643.4 *Definition of the chemical, petroleum and coal products, and allied manufacturing industries.* The chemical, petroleum and coal products, and allied manufacturing industries to which this order shall apply are hereby defined as follows:

The manufacture or packaging of basic chemicals, chemical products, and products made from petroleum, coal or natural gases.

(a) It includes, but without limitation, heavy, industrial, and fine chemicals; plastics; explosives and pyrotechnics; rayon and other synthetic fibers; wood distillation and naval stores; fertilizers; soap and glycerine; candles; glue and gelatin; essential oils; nitrated, sulphonated and similarly processed oils; paints, varnishes, pigments, dyes, and printing ink; drug grinding; insecticides and fungicides; manufactured gases; petroleum refining; coke and coke-oven products; asphalt and tar paving and building materials; and allied products.

(b) *Provided, however,* That the definition shall not include:

(1) Wood preserving, and any mining, quarrying or other extractive operations.

(2) The rendering and refining of marine and animal fats and oils.

(3) Any operations of a public utility.

(4) Any product included in the metal, plastics, machinery, instrument, and allied industries (as defined in Administrative Order No. 173) or in the drug, medicine, and toilet preparations industry, the converted paper products industry, the cottonseed and peanut crushing industry, or the vegetable fats and oils industry as defined in the wage orders for such industries; or in any other industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 643.5 *Scope of the definition.* The definition of the chemical, petroleum and coal products, and allied manufacturing industries covers all occupations in the industry which are necessary to the production of the articles covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That the definition does not cover (a) such clerical, maintenance, shipping and selling occupations when carried on in a wholesaling or selling department, physically segregated from other departments of an establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which are resold in the form in which pur-

chased; and (b) employees engaged exclusively in clerical, maintenance, selling or shipping operations on articles purchased for resale in the form in which purchased: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 643.6 *Effective date.* This wage order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-785; Filed, January 14, 1944;
4:08 p. m.]

PART 646—MINIMUM WAGE RATE IN THE WHOLESALE, WAREHOUSING, AND OTHER DISTRIBUTION INDUSTRIES

In the matter of the recommendation of Industry Committee No. 63 for a minimum wage rate in the wholesaling, warehousing, and other distribution industries.

Whereas on July 20, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 208, appointed Industry Committee No. 63 for the wholesaling, warehousing, and other distribution industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the wholesaling, warehousing, and other distribution industries in accordance with section 8 of the act; and

Whereas the Committee included seven disinterested persons representing the public, a like number of persons representing employers in the wholesaling, warehousing, and other distribution industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the wholesaling, warehousing, and other distribution industries are carried on; and

Whereas, on August 18, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the wholesaling, warehousing, and other distribution industries; and

Whereas after notice duly published in the FEDERAL REGISTER on August 31, 1943, Thacher Winslow, the presiding officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on September 16, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the presiding officer

has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the wholesaling, warehousing, and other distribution industries, as defined by Administrative Order No. 208, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 63 for a Minimum Wage Rate in the Wholesaling, Warehousing, and Other Distribution Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, *Now, therefore, it is ordered, That:*

- Sec.
- 646.1 Approval of recommendation of Industry Committee No. 63.
- 646.2 Wage rate.
- 646.3 Posting of notices.
- 646.4 Definition of the wholesaling, warehousing, and other distribution industries.
- 646.5 Scope of the definition.
- 646.6 Effective date.

AUTHORITY: §§ 646.1 to 646.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 646.1 *Approval of recommendation of Industry Committee No. 63.* The Committee's recommendation is hereby approved.

§ 646.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries.

§ 646.3 *Posting of notices.* Every employer employing any employees engaged in commerce or in the production of goods for commerce in the wholesaling, warehousing, and other distribution industries shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 646.4 *Definition of the wholesaling, warehousing, and other distribution industries.* For the purposes of this order the term "wholesaling, warehousing, and other distribution industries" means:

The wholesaling, warehousing, and other distribution of commodities.

(a) It includes, but without limitation, the activities of jobbers, textile converters, industrial distributors, mail order and retail selling establishments, brokers

and agents, public warehouses, and physically segregated wholesaling and selling departments of other than selling and warehousing establishments (including the activities of any employees in such establishments who are engaged exclusively in selling products purchased for resale).

(b) *Provided, however,* That there shall not be included any activity in connection with selling and warehousing which is covered by any wage order or by any administrative order appointing an industry committee.

§ 646.5 *Scope of the definition.* The definition of the wholesaling, warehousing, and other distribution industries covers all occupations which are necessary to the distribution and warehousing of commodities, including packaging, storing, shipping, and trucking, and clerical and maintenance occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 646.6 *Effective date.* This wage order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-786; Filed, January 14, 1944;
4:08 p. m.]

PART 647—MINIMUM WAGE RATE IN THE LOGGING, LUMBER AND TIMBER AND RELATED PRODUCTS INDUSTRIES

In the matter of the recommendation of Industry Committee No. 64 for a minimum wage rate in the logging, lumber and timber and related products industries.

Whereas on August 5, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 209, appointed Industry Committee No. 64 for the logging, lumber and timber and related products industries, herein called the Committee, and directed the Committee to recommend minimum wage rates for the logging, lumber and timber and related products industries in accordance with section 8 of the act; and

Whereas the Committee included eight disinterested persons representing the public, a like number of persons representing employers in the logging, lumber and timber and related products industries, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the logging, lumber and timber and related products industries are carried on; and

Whereas on September 1, 1943, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the logging, lumber and timber and related products industries; and

Whereas after notice duly published in the FEDERAL REGISTER on September 14, 1943, the Administrator held a public hearing upon the Committee's recommendation at New York, New York, on October 1, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before October 21, 1943; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the logging, lumber and timber and related products industries, as defined by Administrative Order No. 209, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of the act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 64 for a Minimum Wage Rate in the Logging, Lumber and Timber and Related Products Industries," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York, New York, Now therefore, *It is ordered, That:*

Sec.

647.1 Approval of recommendation of Industry Committee No. 64.

647.2 Wage rate.

647.3 Posting of notices.

647.4 Definition of the logging, lumber and timber and related products industries.

647.5 Scope of the definition.

647.6 Effective date.

AUTHORITY: §§ 647.1 to 647.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 647.1 *Approval of recommendation of Industry Committee No. 64.* The Committee's recommendation is hereby approved, and in accordance with such recommendation.

§ 647.2 *Wage Rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the logging, lumber and timber and related products industries.

§ 647.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the logging, lumber and timber and related products industries shall post and keep posted in a conspicuous place in each

department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 647.4 *Definition of the logging, lumber and timber and related products industries.* For the purpose of this order the term "logging, lumber and timber and related products industries" means:

Logging; wood saw milling and surfacing; wood preserving; wood-re-working, including but without limitation kiln or air drying, and the manufacture of planing mill products, dimension stock, boxes and other containers including cigar boxes and vegetable and fruit baskets; and wood turnings and shapings; and the manufacture of shingles, cooperage and cooperage stock, veneer, plywood, insulation board made of any vegetable fiber, prefabricated building units, and all other products made from wood, reed, cork, rattan, and related materials and from such other materials as bone, shell, horn, and ivory.

Provided, however, That the definition shall not include any product or operation included in the wood furniture manufacturing industry, button and buckle manufacturing industry or the metal, plastics, machinery, instrument, and allied industries (as defined in the wage orders for those industries); or in the pens and pencils manufacturing industry (as defined in Administrative Order No. 168); or in any other industry for which the Administrator has already issued a wage order or appointed an industry committee.

§ 647.5 *Scope of the definition.* The definition of the logging, lumber and timber and related products industries covers all occupations in the industry which are necessary to the production of products covered in the definition including clerical, maintenance, shipping and selling occupations: *Provided, however,* This definition does not cover clerical, maintenance, shipping, and selling occupations when carried on in an establishment, the greater part of whose sales are of products not covered in the definition, or employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 647.6 *Effective date.* This wage order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-787; Filed, January 14, 1944;
4:08 p. m.]

PART 650—MINIMUM WAGE RATE IN THE CONSTRUCTION INDUSTRY

In the matter of the recommendation of Industry Committee No. 67 for a minimum wage rate in the Construction Industry.

Whereas on September 14, 1943, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 216, appointed Industry Committee No. 67 for the construction industry, herein called the Committee, and directed the Committee to recommend minimum wage rates for the construction industry in accordance with section 8 of the act; and

Whereas the Committee included four disinterested persons representing the public, a like number of persons representing employers in the construction industry, and a like number of persons representing employees in the industry, and each group was appointed with due regard to the geographical regions in which the construction industry is carried on; and

Whereas on October 6, 1943, the Committee, after investigating economic and competitive conditions in the industry, filed with the Administrator a report containing its recommendation for a 40-cent minimum hourly wage rate in the construction industry;

Whereas after notice duly published in the FEDERAL REGISTER on October 19, 1943, Donald M. Murtha, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at New York, New York, on November 3, 1943, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the act, with special reference to sections 5 and 8, has concluded that the Industry Committee's recommendation for the construction industry, as defined by Administrative Order No. 216, is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 67 for a Minimum Wage Rate in the Construction Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, Now, therefore, *It is ordered*, That

Sec.

650.1 Approval of recommendation of Industry Committee No. 67.

No. 12—5

Sec.

650.2 Wage rate.
650.3 Posting of notices.
650.4 Definition of the construction industry.
650.5 Scope of the definition.
650.6 Effective date.

AUTHORITY: §§ 650.1 to 650.6, inclusive, issued under sec. 8, 52 Stat. 1064; 29 U.S.C. 208.

§ 650.1 *Approval of recommendation of Industry Committee No. 67.* The Committee's recommendation is hereby approved, and in accordance with such recommendation.

§ 650.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the act by every employer to each of his employees in the construction industry who is engaged in commerce or in the production of goods for commerce.

§ 650.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the construction industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.

§ 650.4 *Definition of the construction industry.* For the purpose of this order the term "construction industry" means:

The industry carried on by any person engaged in the designing, construction, reconstruction, alteration, repair and maintenance of buildings, structures, and other improvements; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities.

(a) It includes, but without limitation, houses, stores, factories; highways, railroads, bridges, and streets; sewers and watermain; foundations, piers, abutments and other heavy construction; reclamation; drainage, sanitation, irrigation, flood-control and water-power projects; pipe lines; harbor and waterways construction and improvement; airports and airfields; transmission lines; and mining, industrial and commercial facilities and appurtenances.

(b) *Provided, however,* It shall not include construction carried on by persons, for their own use or occupancy, who are principally engaged in another industry.

§ 650.5 *Scope of the definition.* The definition of the construction industry covers all occupations which are necessary to the operations of the industry: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

§ 650.6 *Effective date.* This wage Order shall become effective February 7, 1944.

Signed at New York, New York, this 29th day of December 1943.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-788; Filed, January 14, 1944; 4:08 p. m.]

Chapter IX—War Food Administrator (Agricultural Labor)

PART 1100—REGULATIONS RELATIVE TO SALARIES AND WAGES OF AGRICULTURAL LABOR

On August 28, 1943, the Economic Stabilization Director promulgated amended regulations relating to wages and salaries (8 F.R. 11960, 12139, 16702), by virtue of authority vested in the President by the Act of October 2, 1942, entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes" (Pub. No. 729, 77th Cong. 2d Sess.), as amended by the Public Debt Act of 1943, entitled "An Act to increase the debt limit of the United States, and for other purposes" (Pub. No. 34, 78th Cong. 1st Sess.), and vested in turn by the President in the Economic Stabilization Director, under Executive Order 9328, dated April 8, 1943 (8 F.R. 4681). These regulations conferred on the War Food Administrator authority to administer the provisions thereof relating to the stabilization and limitation of salaries and wages paid to agricultural labor. In the exercise of authority so conferred on the War Food Administrator, the following regulations relating to salaries and wages of agricultural labor are hereby promulgated:

Sec.

1100.1 Definitions.
1100.2 Delegation.
1100.3 Jurisdiction.
1100.4 Wage boards.
1100.5 Interpretation of the term "agricultural labor."
1100.6 Applicable to employers of a single employee.
1100.7 Specific wage ceiling regulations.
1100.8 Procedure for recommending establishment of wage ceilings.
1100.9 Salary or wages increase requiring approval.
1100.10 How approval obtained.
1100.11 Limitation on effect of increases.
1100.12 Salary or wage decreases.
1100.13 Scope of regulations.
1100.14 Conclusiveness of determination.
1100.15 Effect of unlawful payments.
1100.16 Determination of violations.

AUTHORITY: 56 Stat. 765, 50 U.S.C. Supp. II 961 *et seq.*, as amended by Pub. Law No. 34, 78th Cong.; E.O. 9328, 8 F.R. 9681; Regs. of Economic Stabilization Director, dated August 28, 1943, 8 F.R. 11960, 12139, 16702.

§ 1100.1 *Definitions.* When used in these regulations, unless otherwise distinctly expressed, or manifestly incompatible with the intent thereof:

(a) The term "Act" means the Act of October 2, 1942 (Pub. No. 729, 77th Cong.), entitled "An Act to Amend the Emergency Price Control Act of 1942, to aid in

preventing inflation, and for other purposes", as amended by the Public Debt Act of 1943 (Pub. No. 34, 78th Cong.) entitled "An Act to increase the debt limit of the United States and for other purposes."

(b) The term "general regulations" means amended regulations (relating to wages and salaries), promulgated by the Economic Stabilization Director on August 28, 1943 (8 F.R. 11960, 12139, 16702), as amended or supplemented.

(c) The term "Administrator" means the War Food Administrator, and any person, or agency, authorized by him to carry out the purposes and provisions of these regulations and other regulations issued by him pursuant to his authority under the "general regulations."

(d) The term "Director" means the Director of the Office of Labor, War Food Administration.

(e) The term "person" means any individual, partnership, corporation, association, business trust, or any other organization or group of persons, whether incorporated or not.

(f) The term "in contravention of the Act" means in contravention of the Act of October 2, 1942 (referred to in paragraph (a) above), Executive Order No. 9250 of October 3, 1942 (7 F.R. 7871), Executive Order 9328 of April 8, 1943 (8 F.R. 4681), the general regulations, these regulations, and any other orders, rulings, and regulations promulgated under said Act.

(g) The term "agricultural labor" means persons who are employed in farming in any of its branches, including among other things the cultivation and tillage of the soil, dairying, the production, cultivation and harvesting of agricultural or horticultural commodities, and the raising of livestock, bees, or poultry. *Provided, however:* That the term "agricultural labor" shall not include any person whose salary payments exclusive of bonuses and additional compensation, and without regard to the contemplated adjustment, are at a rate computed on an annual basis which exceeds \$5,000.00 per annum.

(h) The term "wages" or "wage payments" means all forms of direct or indirect compensation which is computed on an hourly or daily basis, a piece work basis, or other comparable basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, commissions, loans, fees, and any other remuneration in any form or medium whatsoever (but excluding insurance and pension benefits in a reasonable amount).

(i) The term "salary" or "salary payments" means all forms of direct or indirect compensation which is paid on a weekly, monthly, annual, or other comparable basis, except a wage basis, for personal services of an employee irrespective of when rendered, including bonuses, additional compensation, gifts, loans, commissions, fees, and any other remuneration in any form or medium whatsoever (excluding insurance and pension benefits in a reasonable amount).

(j) The term "salary rate" means the rate or other basis at which the salary for any particular work or service is

paid, either under the terms of a contract or agreement, or in conformity with an established custom or usage.

(k) The terms "approval of the Administrator" and "determination by the Administrator" shall include approval or determination by an agent or agents of the Administrator, duly authorized to perform such acts.

§ 1100.2 *Delegation.* The administration of the program for stabilization of salaries and wages of agricultural labor established by the general regulations, these regulations, and other regulations promulgated by the Administrator, and the powers conferred upon the Administrator, with respect to such program, are hereby delegated to the Director of the Office of Labor of the War Food Administration. The Director shall be assisted in the administration of the program for the stabilization of salaries and wages of agricultural labor by such employees of the War Food Administration as he may designate, and such designated employees are hereby authorized to assist in the administration of such program.

§ 1100.3 *Jurisdiction.* Under the general regulations, the Administrator has the authority to determine whether salary or wage payments to agricultural labor are made in contravention of the Act. Such authority does not include determinations with respect to salaries over \$5,000.00 per annum. Thus, where salary payments are at a rate computed on an annual basis of more than \$5,000.00 per annum, jurisdiction over such salaries is with the Commissioner of Internal Revenue. However, increases in bonuses or other forms of additional compensation, where the salary payments are at a rate computed on an annual basis of \$5,000 or less, and increases in such salary payments which have the effect of raising them from below \$5,000.00 per annum to more than \$5,000.00 per annum, are within the jurisdiction of the Administrator.

Nothing contained in these regulations shall be construed to affect any jurisdiction which the National War Labor Board may have by virtue of the War Labor Disputes Act (P. L. 89, 78th Cong.) and Executive Order 9017 (7 F.R. 237) as extended by section 1, Title III of Executive Order 9250 (7 F.R. 7871, 7873). However, as set forth in § 4001.7 of the general regulations, no person, including any Federal, State, or other governmental agency, or any officer thereof, shall have authority to overrule, amend, change, or modify, directly or indirectly, any specific wage ceiling regulation issued by the War Food Administrator pursuant to the said § 4001.7 and as described in § 1100.7 hereof.

§ 1100.4 *Wage boards.* From time to time the Director may establish wage boards for the various States. Such boards shall be known as State WFA Wage Boards. Such boards as have heretofore been established shall continue to function under these regulations and the specific wage ceiling regulations described in § 1100.7 hereof. The personnel of such boards shall be appointed by the Director, and shall be persons whom the Director determines are qual-

ified to perform the functions of the board. The Director, in his discretion, is authorized to appoint alternates, to fill vacancies, and to remove and replace members of such boards. Such boards are hereby authorized to hold public hearings in order to recommend to the Administrator areas, crops, classes of employers, or otherwise, for which wage rates should be established as authorized in § 4001.7 of the general regulations. Such boards shall have the authority to hold hearings in order to determine whether there have been violations of these regulations or of specific wage ceiling regulations issued by the Administrator. Such boards may exercise such further functions as the Administrator or the Director may prescribe. Alternate members of a wage board may, when acting, perform all the functions of the regular members of the board.

§ 1100.5 *Interpretation of the term "agricultural labor."* The meaning of the term "agricultural labor" as used in the general regulations and these regulations is not free from difficulty in its application to specific cases. While the definition in the general regulations and these regulations will enable those affected to determine their status in the vast majority of cases, there are always border line cases which may leave affected persons in doubt. The War Food Administrator is authorized by § 4001.1 (1) of the general regulations to issue such interpretations of the definition of "agricultural labor" as he finds necessary. It is the purpose of this interpretation to clarify such border line cases insofar as experience to date will permit. The situations covered below will constitute or will not constitute agricultural labor as the case may be, for the purpose of these regulations. However, the Administrator may supplement this interpretation from time to time, as more specific cases are brought to his attention, and reserves the right to determine in specific cases whether employees are employed in agricultural labor.

Employees engaged in the following described operations are agricultural labor for the purpose of the general regulations and these regulations, unless otherwise herein specifically stated to the contrary:

(a) *Cultivation and tillage of the soil.* Preparation of a suitable seedbed; elimination of competing weed growth, and improvement of physical condition of the soil. Includes services performed in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farm purposes.

(b) *Dairying.* Milking of cows or goats, putting the milk into tins, cooling it, and storing it on the farm. If the milk is obtained from the employer's cows or goats, his employees engaged in operations such as separating the cream from the milk, or making butter and cheese out of such milk and cream, are agricultural labor.

(c) *Production, cultivation, growing, harvesting of agricultural or horticultural commodities.* Includes all customary operations in connection with the raising of any agricultural or horticultural

tural commodity, and all operations customarily performed in connection with the removal of such commodities from the place where they are grown. See also paragraph (g) 1 hereof.

Agricultural or horticultural commodities include grains, forage crops, fruits, vegetables, nuts, sugar crops, fiber crops, tobacco, nursery products, and eggs.

Employees engaged in growing or harvesting agricultural commodities are agricultural labor, even though the commodities are raised in a greenhouse, nursery, enclosed shed, or hotbed.

(d) *Raising of livestock.* Includes the breeding, feeding, and general care of the following animals among others: cattle, sheep, swine, horses, mules, jackasses, or goats. It does not include any labor employed at stockyards.

(e) *Raising of bees.* Includes all activities customarily performed in connection with the handling and keeping of bees, including treatment of disease, and the raising of queens.

(f) *Raising of poultry.* Includes the breeding, hatching, feeding and general care of poultry, whether such activities are performed on a farm or in hatcheries. The word "poultry" includes domestic fowl and game birds.

The raising of fur bearing animals is not included in the definition of agricultural labor, and employees engaged in raising such animals are not agricultural labor, as that term is used in the general regulations and these regulations.

(g) *Miscellaneous situations.* (1) Employees engaged in packing, or other preparation of agricultural commodities for market, delivery of such commodities to storage or market, or to a carrier for transportation to market, generally are not agricultural labor. However, if an employee is engaged primarily in an occupation that is classified in these regulations as agricultural labor, and incidentally aids in packing, or otherwise preparing agricultural commodities for market, delivery of such commodities to storage or market or to a carrier for transportation to market, and such commodities are produced by the employer who has employed him for his primary occupation, such an employee shall be considered agricultural labor: *Provided*, That, such an employee shall not be considered to be employed in agricultural labor to the extent that he works in a packing shed or other establishment preparing agricultural commodities for market which employs eight or more employees in packing or other preparation of agricultural commodities for market.

(2) Employees who are agricultural labor as defined herein will continue to remain in that status, even though they are employed in forestry and lumber operations, so long as the operations constitute a subordinate and established part of the employer's farm activities. Employees engaged totally or a majority of their time in such operations are not agricultural labor, even though their employer also conducts farm operations which are classified herein as agricultural. If the employer is engaged in lumbering operations on logs or timber grown on other farms as well as his own, his employees engaged in such operations are not agricultural labor. Logging or sawmill operations performed by em-

ployees of persons other than the operator of the farm are not agricultural labor.

(3) Clerical help, farm managers, mechanics, maintenance workers, and night watchmen are agricultural labor when they are directly employed to aid in farming operations. (This does not include independent contractors, or their employees, who are engaged in performing any of the above types of work.) Such persons are not to be considered agricultural labor when they work at an establishment which is not located at the site of the farming operations.

§ 1100.6 *Applicable to employers of a single employee.* Section 4001.16 of the general regulations is not applicable to agricultural labor and employers of agricultural labor are subject to the provisions of the Act, the general regulations, these regulations, or other orders, rulings, and regulations promulgated under the Act, irrespective of the number of employees which they employ.

§ 1100.7 *Specific wage ceiling regulations.* In accordance with the provisions of § 4001.7 of the general regulations, increases may be made in salary and wage payments to agricultural labor, so long as such payments are not more than \$2,400.00 per annum, without the prior approval of the Administrator. However, the Administrator has authority under the provisions of that section to determine that, with respect to areas, crops, classes of employers, or otherwise, such increases or payments may no longer be made without the approval of the Administrator. The Administrator has already exercised his authority under that section with respect to the wages and salaries of certain employees engaged in working upon particular crops in designated areas, by the issuance of specific wage ceiling regulations adapted to the particular crop and area. From time to time the Administrator may issue other specific wage ceiling regulations relating to particular areas, crops, classes of employers, or otherwise. Nothing in these regulations is to be taken as superseding or amending such specific wage ceiling regulations as have already been issued, and nothing in any specific wage ceiling regulation issued hereafter shall be taken to supersede or amend these regulations unless so specifically stated in the specific wage ceiling regulation.

§ 1100.8 *Procedure for recommending establishment of wage ceiling.* Whenever it is directed by the Administrator or the Director, a wage board shall, and upon its own initiative may, hold a public hearing, for the purpose of aiding the Administrator in the establishment of specific wage ceiling regulations described in § 1100.7 hereof. For the purpose of such hearings a member of the staff of the Office of Labor, sitting as a non-voting member of the board, may be appointed. The board shall give public notice of such hearing at least seven days prior to the hearing. Such public notice shall be given by posting in prominent places in the area to be affected, and by publication in local newspapers of general circulation. The hearing shall be conducted by the full board with the chairman or acting chairman presiding.

The hearing shall be informal. Testimony shall be taken concerning the type of work to be controlled, the exact areas to be subject to control, the crop or crops to be affected, the wage rates paid, and all related matters relative to the establishment of a wage ceiling. All interested persons may appear and testify. A transcript of the record shall be kept. The presiding officer shall open the hearing with a statement of its purpose and the rules which will govern. As soon as possible after the hearing is concluded, the board shall prepare its recommendations (which must be approved by at least a majority of the board) as to the type of employment, wage rates to be paid, crop or crops to be affected, the extent of the area to be subject to control, and other related matters, and forward the report together with the transcript of the hearing to the Administrator. Neither the testimony received nor the recommendations of the board are binding upon the Administrator in establishing a specific wage ceiling regulation. Any interested person may file a petition for reconsideration of a specific wage ceiling regulation with the wage board administering the regulation or with the Administrator. If such petition is filed with a wage board, such board shall forward the petition together with its recommendations to the Administrator.

§ 1100.9 *Salary or wage increases requiring approval.* Section 4001.7 of the general regulations provides that salaries or wages of agricultural labor may be increased up to \$2,400.00 without approval, unless the Administrator has issued a specific wage ceiling regulation as described in § 1100.7 hereof. That section of the general regulations provides that the phrase "\$2,400.00 per annum" shall mean \$200.00 a month or the equivalent weekly, hourly, piece work rate or comparable basis, except that in individual cases salary or wage payments may be more than \$200.00 a month or the equivalent rate for not exceeding sixty days in any one year, if the aggregate wage or salary payments to the laborer from all sources of employment as an agricultural laborer are not more than \$2,400.00 for that year.

However, no increase in salary or wage payments may be made to employees engaged in agricultural labor who, at the effective date of this regulation, received such payments in the amount of \$2,400.00 per annum or more, or when the effect of the increase will be to increase salary or wage payments to more than \$2,400.00 per annum, without the prior approval of the Administrator. It makes no difference whether the salary or wage rate increase is accomplished by salary or wage increases *per se*, or by means of bonuses or other forms of additional compensation. All such payments which will have the effect of raising the earnings of an employee who earns \$2,400.00 per annum or more, or of raising the earnings of the employee to more than \$2,400.00 per annum, must be approved to be lawful.

Payment for overtime which will have the effect of increasing the salary or wage payment where an employee already earns \$2,400.00 per annum or more, or

which will have the effect of increasing the salary or wage payment of an employee who earns less than \$2,400.00 per annum, to more than \$2,400.00 per annum or its equivalent rate, will constitute a salary or wage increase, and thus will require the approval of the Administrator unless prior to the date of issuance of these regulations the practice of the employer has been to pay for overtime, and the rate and number of overtime hours has not been changed.

When a specific wage ceiling regulation relating to an area, crop, class of employer, or otherwise, is issued, as described in § 1100.7 hereof, no payments above the rates described in such specific regulation may be made without the prior approval of the Administrator: *Provided*, That, if an employer was paying a particular employee doing the same type of work at a higher wage or salary rate between January 1, 1942 and September 15, 1942, such employer may pay such employee at the wage or salary rate paid during that period. Payments may be made by those affected, up to and including the rates prescribed by such specific wage ceiling regulations, without the approval of the Administrator. Except in those instances where a lower rate has been established by a specific wage ceiling regulation, no approval is required to increase salary or wage payments to agricultural labor up to \$2,400.00 per annum.

The existence of prior contracts for salary or wage increases or payments will not justify increases or payments without the prior approval of the Administrator where such approval is required by these regulations or by any specific wage ceiling regulation.

Any increases in wage or salary payments will be in contravention of the act, if made without approval. The increase will be lawful only from the date specified in the approval.

§ 1100.10 How approval obtained. Approval for an increase in salary or wage payments when the employee, prior to the proposed increase, is receiving such payments in the amount of \$2,400.00 per annum or more, or when the effect of the proposed revision will be to increase such payments to more than \$2,400.00 per annum, may be sought by sending an application for the approval of such increase to the Director, Office of Labor, War Food Administration, Washington, D. C. The burden of justifying an increase in salary or wage payments shall in every instance be upon the employer seeking to make such increase. Increases in such salary or wage payments will not be approved except in the following cases:

(a) Such adjustments as may be deemed proper by the Administrator and have not heretofore been made to compensate in accordance with the "Little Steel" formula as heretofore defined by the National War Labor Board, for the rise in the cost of living between January 1, 1941 and May 1, 1942.

(b) Salary and wage adjustment clearly necessary to adjust salaries or wages up to the minimum of the tested and going rates paid for the same work in the same or most nearly comparable areas in the same labor market, except in

rare and unusual cases in which the critical needs of agricultural war production require the setting of a salary or wage at some point above the minimum of the going salary or wage bracket.

(c) Reasonable adjustments may be made with the approval of the Administrator in case of promotions, reclassifications, merit increases, and incentive payments: *Provided*, That such adjustments do not increase the level of production costs appreciably or furnish a basis either to increase prices or to resist otherwise justifiable reductions in prices.

§ 1100.11 Limitation on effect of increases. No increase in salary or wage payments which requires the approval of the Administrator shall furnish the basis either to increase prices or to resist otherwise justifiable reductions in prices, or furnish the basis for further wage or salary increases.

§ 1100.12 Salary or wage decreases. In the case of salary or wage payments existing as of the time of the issuance of these regulations, by means of which an employee is paid \$5,000.00 or less per annum for any particular work, the general rule is that no decrease can be made by an employer in such salary or wage payment below the highest salary or wage rate paid for such work in the local area between January 1, 1942, and September 15, 1942. A decrease may be permitted, however, with the approval of the Administrator, in order to correct a gross inequity in any case, or to aid in the effective prosecution of the war. Where such decrease is permitted, the salary or wage rate may be reduced below the highest salary or wage rate paid for the work in question between January 1, 1942, and September 15, 1942. Except as otherwise provided in this section, any decrease in such salary or wage rate shall be considered in contravention of the Act if it is made prior to the approval thereof by the Administrator. Except as may be otherwise provided from time to time by the Administrator, an application for approval of any salary or wage decrease shall be filed in the same manner as in the case of an application for approval of a salary or wage increase. See § 1100.10.

The Administrator's approval is not required, for example, in the following cases where salary or wage decreases are made:

(a) The new salary or wage rate does not fall below the highest salary or wage rate existing between January 1, 1942, and September 15, 1942, for the particular work in question, or for the same or comparable work in the local area.

(b) An employee has been demoted to a lower position than that filled by him between January 1, 1942, and September 15, 1942, and the salary or wage rate for such lower position is not less than the highest salary or wage rate existing for that position during the same period.

(c) An employee has been relieved of specific duties and responsibilities.

A disparity between salaries and wages paid by a particular employer and those paid by employers generally in the local area does not necessarily constitute justification for a decrease in salary or wage rates paid by such employer. The words

"for any particular work" in this § 1100.12 refer to the particular work of the particular employee and not to a particular type of work.

If a specific wage ceiling regulation as described in § 1100.7 hereof has been issued which establishes a lower salary or wage rate than that which an affected employee is receiving, by contract or otherwise, the salary or wage payments of the employee must be decreased to the salary or wage rate established by the specific wage ceiling regulation, unless an employer was paying a particular employee doing the same type of work higher wages or salary payments between January 1, 1942, and September 15, 1942, in which event the employee's payments must be decreased to those received during that period. No approval is required for such decreases.

§ 1100.13 Scope of regulations—(a) Geographical. The provisions of these regulations shall not apply to salaries or wages in any territory or possession of the United States.

(b) *Services in foreign countries.* The provisions of these regulations shall not be applicable in the case of any individual employer resident in the United States or any territory or possession thereof, or of a corporate employer organized under the laws of the United States or any State, territory or possession, with respect to salaries or wages paid by such employers to employees for service rendered exclusively in foreign countries.

(c) *Foreign employers.* The provisions of these regulations shall not be applicable in the case of nonresident foreign employers, except that if any salary or wage is paid to any employee residing in the United States, payment of such salary or wage is subject to all the provisions of these regulations.

§ 1100.14 Conclusiveness of determination. (a) Any determination of the Administrator that a salary or wage payment is in contravention of the Act is conclusive in every respect upon all executive departments and agencies of the Federal Government for the following purposes:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation, either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942, or any maximum price regulation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

(b) Any such determination of the Administrator is final and not subject to review by the Tax Court of the United States or by any court in any civil proceedings. Nothing herein is intended, however, to deny the right of any employer or employee to contest in the Tax Court of the United States or in any court of competent jurisdiction the validity of:

(1) Any provision of these regulations on the ground that such provision is not authorized by law, or

(2) Any action taken or determination made under these regulations, on the

ground that such action or determination is not authorized, or has not been taken or made in a manner required, by law.

§ 1100.15 *Effect of unlawful payments—(a) Amounts disregarded.* Section 5 (a) of the Act provides in effect that the President shall prescribe the extent to which any salary or wage payments made in contravention of regulations promulgated under the Act shall be disregarded by executive departments and other governmental agencies in determining the costs or expenses of any employer for the purpose of any other law or regulation. Pursuant to § 4001.6 of the general regulations, in any case where salary or wage payments are determined by the Administrator to have been made in contravention of the Act, the entire amount of such payments is to be disregarded by all executive departments and all other agencies of the Federal Government for the purposes of:

(1) Determining costs or expenses of any employer for the purpose of any law or regulation either heretofore or hereafter enacted or promulgated, including the Emergency Price Control Act of 1942 or any maximum price regulation thereunder.

(2) Calculating deductions under the revenue laws of the United States.

(3) Determining costs or expenses under any contract made by or on behalf of the United States.

A payment in contravention of the Act may be disregarded for more than one of the foregoing purposes.

(b) *Criminal penalties.* Section 5 (a) of the act provides in substance that no employer shall pay, and no employee shall receive, any salaries or wages in contravention of the regulations promulgated by the President under the act. Section 11 of the act provides that any person whether an employer or employee who willfully violates any provision of the act, or any regulations promulgated thereunder, shall be subject upon conviction, to a fine of not more than \$1,000.00, or to imprisonment for not more than one year, or to both such fine and imprisonment.

§ 1100.16 *Determination of violations.* Determination by the Administrator that a salary or wage payment is in contravention of the act so as to have the effect specified in §§ 1100.14 and 1100.15 hereof, shall be made in the following manner:

All alleged violations will be handled by the Director, for those States for which no State WFA Wage Board has been established, and by the State WFA Wage Board for those States for which State WFA Wage Boards have been established.

(a) *Preliminary investigation.* Preliminary investigations of all wage or salary payments alleged to be unlawful shall be made by representatives of the Administrator. If the case is one to be handled by the Director, the report of the investigation shall be submitted to the Associate Solicitor in Charge of Food Production and Commodity Credit for consideration. If the case is one to be handled by a State WFA Wage Board, the report of investigation shall be submitted to the Regional Attorney, Department of Agriculture, within whose region the State involved lies, for consideration.

The Associate Solicitor shall forward such reports as he receives, with his recommendations, to the Director. The Regional Attorneys shall forward such reports as they receive, with their recommendations, to the Board which has jurisdiction over the alleged violation. If, after consideration of the report and the recommendations, the Director or the Board, as the case may be, is of the opinion that there is reasonable cause to believe that a violation has occurred, the Director or the Board, as the case may be, shall request the alleged violator to appear at a hearing before the Director or the Board, as the case may be: *Provided, however,* That the Director may designate that a hearing to be held before him, shall be held before a person authorized to act as an examiner, presiding officer, or referee, by the designation, issued October 25, 1943, entitled "Designation of Persons to Hold Hearings, to Sign and Issue Subpoenas, and to Administer Oaths and Affirmations" (8 F.R. 14592). In the event that the Director designates that the hearing shall be conducted by such an authorized person, such a person shall take all steps required by this section for the holding of hearings, and shall forward the record, together with his recommendation, to the Director.

(b) *Notice.* Notice of the hearing shall be served on the alleged violator not less than ten (10) days prior to the date of the hearing. Such notice shall set forth (1) the time and place of the hearing, (2) a concise statement of the allegations of fact which constitute a basis for the proceeding, (3) a statement informing the alleged violator that he may be represented by counsel at the hearing and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the charge, and (4) a statement informing the alleged violator that failure to appear will not preclude the Director or the Board, as the case may be, from taking testimony, receiving proof, and making findings and recommendations with respect to the charges.

(c) *Conduct of the hearing.* The rules of evidence prevailing in courts of law and equity shall not be controlling. The test of admissibility shall be the reliability, relevancy and probative force of the evidence offered.

All testimony shall be given under oath and a written transcript of the hearing shall be made.

The presiding officer shall afford reasonable opportunity for cross-examination of the witnesses. At the close of the hearing, the presiding officer may, at his discretion, allow a short period for the presentation of oral argument, or for a summary of the facts disclosed at the hearing and, if he deems it advisable, may allow briefs to be filed within a period prescribed by him, not to exceed five (5) days.

(d) *Findings and recommendations.* Upon conclusion of the hearing, if the Director, or a majority of the Board, as the case may be, is satisfied that the charge has been sustained by a preponderance of the evidence, the Director or the Board, as the case may be, shall

find accordingly. Findings of fact and recommendations shall be prepared, subscribed by the Director, or by concurring members of the Board, as the case may be, and submitted to the Administrator, together with a transcript of the proceedings. A copy of the findings of fact and recommendations shall be served on the alleged violator. After consideration of the findings and recommendations, the Administrator shall determine whether the alleged violator has made salary or wage payments in contravention of the Act. A copy of such determination shall be served by registered mail on the alleged violator.

(e) *Petition for reconsideration.* Within five (5) days after receipt of a copy of the Administrator's determination, the alleged violator may file with the War Food Administrator, Washington, D. C., a petition for reconsideration of such determination. Such petition may be accompanied by any affidavits or briefs which the alleged violator desires to submit. Within a reasonable time after receiving such a request for reconsideration, the Administrator shall affirm, modify, or reverse his original determination, or direct a further hearing to be held. Such further hearing shall follow the procedure prescribed for the original hearing. The determination of the Administrator shall be final and shall not be subject to review by the Tax Court of the United States or by any court in any civil proceedings as set forth in § 1100.15 (b) hereof.

Issued this 17th day of January 1944.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44-863; Filed January 17, 1944;
11:25 a.m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 34]

MAGNESIUM PRODUCT DELIVERIES

The following directive is issued pursuant to authority vested in me by Executive Order No. 9024, of January 16, 1942, Executive Order No. 9125, of April 7, 1943, and War Production Board Regulation No. 1, as amended December 31, 1943, and in order to facilitate the distribution of magnesium products to the manufacturers of aircraft and aircraft equipment whose production is subject to supervision by the Aircraft Scheduling Unit of the Aircraft Resources Control Office.

§ 903.47 *Directive No. 34—(a) Purpose.* General Preference Order M-2-b as amended the 13th day of January, 1944, provides that no person shall deliver or accept delivery of magnesium products unless his action has been specifically authorized in writing by the War Production Board, or, in the case of certain deliveries of magnesium products for aircraft purposes, by the Aircraft Scheduling Unit of the Aircraft Resources Control Office. The purpose of this delegation is to fix the field in which the Air-

craft Scheduling Unit of the Aircraft Resources Control Office may authorize the delivery or acceptance of delivery of magnesium products under Order M-2-b.

(b) *Delegation of authority.* The Aircraft Scheduling Unit of the Aircraft Resources Control Office is hereby delegated the power to authorize in its own name the delivery and acceptance of delivery of magnesium products when the person accepting delivery is to use the magnesium products in the manufacture of aircraft or parts of aircraft or in the manufacture of aircraft equipment or parts of aircraft equipment. However, this delegation does not cover deliveries to a manufacturer of any equipment, or deliveries to a manufacturer of parts for equipment, if the equipment is ordered by any Branch of the Army, other than the Air Forces, or by any Bureau of the Navy, other than the Bureau of Aeronautics. Furthermore, the delegation granted hereby to the Aircraft Scheduling Unit is not exclusive, and the War Production Board retains the power to authorize the delivery and acceptance of delivery of magnesium products even in those cases in which the Aircraft Scheduling Unit also has that power.

(c) *Definitions.* For the purpose of this directive, the term "magnesium products" means castings, extrusions (rod and bar, tubing or shapes), sheet, strip, plate, and forgings, the principal ingredient of which by weight is the element magnesium.

(E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; WPB Reg. 1 as amended December 31, 1943, 9 F.R. 64)

Issued this 15th day of January 1944.

CHARLES E. WILSON,
Executive Vice Chairman.

[F. R. Doc. 44-838; Filed, January 15, 1944;
4:23 p. m.]

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1245—WOOD UPHOLSTERED FURNITURE [Limitation Order L-135, Revocation]

Section 1245.1 *Limitation Order L-135* is revoked. This revocation does not affect any liabilities incurred under the order. The manufacture and delivery of wood upholstered furniture remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-790; Filed, January 14, 1944;
4:33 p. m.]

PART 3291—CONSUMERS DURABLE GOODS¹

[General Limitation Order L-260, as
Amended Jan. 14, 1944]

FURNITURE

The fulfillment of requirements for the defense of the United States has cre-

ated a shortage in the supply of iron and steel and other critical materials for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.65¹ *General Limitation Order L-260—(a) Definitions.* For the purposes of this order:

(1) "Furniture" means all items commonly classified as furniture and including all items contained on Schedule A attached to this order, as amended from time to time. It shall not include items listed on Schedule B attached to this order, as amended from time to time.

(2) "Essential metal parts" means nails, brads, tacks, screws, bolts, nuts, hanger bolts, rivets, staples, washers and burrs, button molds, hinges (except hinge mechanisms for sofa beds) catches, strapping, top fasteners, drawer clips, shelf supports, domes and glides, bed fasteners, bed packing hooks, corrugated fasteners, upholstery springs, table locks, table cleats, mirror clips, angle braces, caps for leg tops of folding chairs, expansion shells, operating hardware for venetian blinds and venetian blind center supports for head rails and tilt rails.

(3) "Non-essential metal parts" means any hardware or parts containing any metal specifically intended for incorporation into furniture other than essential metal parts.

(4) "Metal parts manufacturer" means any person engaged in the business of manufacturing or assembling hardware or metal parts specifically intended for incorporation into furniture, whether or not he also manufactures furniture.

(5) "Furniture manufacturer" means any person engaged in the business of manufacturing or assembling furniture, whether or not he also manufactures metal parts for furniture.

(6) "Pattern" means any piece of furniture having its own identification mark and selling price, except that for the purposes of this order, two or more pieces of furniture identical in every respect other than color, finishing materials, fabric, leather, or other outer covering or cover but having the same selling price shall be considered to be one pattern. Two or more pieces of furniture identical in every respect other than in their method of joining or their content of essential metal parts, shall be considered to be one pattern, whether or not they have the same selling prices. Two or more pieces of furniture identical in every respect but cut in different woods or veneers or containing different trims other than handles, shall be considered two or more patterns regardless of whether they carry identical identification marks and selling prices. Similarly, a suite of furniture of two or more different pieces shall constitute two or more patterns.

(7) "Preferred order" means any order, contract, or subcontract placed by or for the account of the Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or the Federal Public Housing Authority.

(8) "Cost value" means cost computed in accordance with the method of accounting consistently used by a furniture

manufacturer for bookkeeping and financial statement purposes.

(9) "Pattern base period" means the month of September, 1941.

(10) "Metal parts base period" means the calendar year 1941, except that in the case of a furniture manufacturer whose fiscal year did not end on December 31, 1941, it means his fiscal year ending at any time between June 1, 1941 and May 31, 1942, inclusive.

(11) "Consume" when applied to essential metal parts means to use such parts in the production or packing of furniture or to supply such parts with furniture shipped in knock-down form.

(b) *Restrictions on production and acquisition of non-essential metal parts.*

(1) On and after March 1, 1943, no metal parts manufacturer shall accept delivery of any iron or steel intended for the fabrication of non-essential metal parts.

(2) On and after March 26, 1943, no metal parts manufacturer shall process, fabricate, work on or assemble any non-essential metal parts.

(3) On and after April 12, 1943, no furniture manufacturer shall accept delivery of any non-essential metal parts.

(c) *Restrictions on essential metal parts.* (1) During the period beginning February 23, 1943 and ending June 30, 1943, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 25% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(2) During the three months period beginning July 1, 1943, and during each three months period thereafter, no furniture manufacturer shall consume in the production of furniture (other than for preferred orders) essential metal parts having a total cost value of more than 12½% of the total cost value of essential metal parts consumed by him in the production of furniture during his metal parts base period (other than for preferred orders).

(3) The restrictions contained in paragraphs (c) (1) and (c) (2) of this order shall not apply to venetian blinds.

(4) On and after June 1, 1943, no furniture manufacturer shall consume in the production of venetian blinds more essential metal parts than 9 ounces per blind plus 2 ounces per blind for venetian blinds measuring 45" or more in width.

(d) *Restrictions on patterns.* (1) On and after July 1, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale, at any one time, more patterns than 35% of the total number of patterns offered for sale by him during the pattern base period, or 24 patterns, whichever is greater.

(2) On and after March 15, 1943, no furniture manufacturer shall process, fabricate, work on, assemble or offer for sale any pattern which had not been offered for sale by him prior to that date.

(3) The restrictions contained in this paragraph (d) shall not apply to venetian blinds.

(e) *Preferred order exemption.* The restrictions contained in this order shall not apply to preferred orders.

¹ Formerly Part 3189, § 3189.1.

(f) *Special authorization exemption.* The War Production Board may grant specific authorizations to furniture manufacturers for relief from the provisions of paragraphs (b) (3), (d) (1), and (d) (2) of this order.

(g) *Reports.* (1) All persons affected by this order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(2) On or before March 27, 1943, each furniture manufacturer shall file with the War Production Board a report on Form PD-798, stating the cost value of essential metal parts consumed by him during the metal parts base period and the number of patterns offered for sale by him during the pattern base period.

(h) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(i) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(j) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(k) *Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(l) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the regulations of the War Production Board, as amended from time to time.

(m) *Applicability of other orders.* In so far as any other order heretofore or hereafter issued by the War Production Board limits the use of any material in the production of wood furniture to a greater extent than the limits imposed by this order, the restrictions in such other order shall govern unless otherwise specified therein.

(n) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L-260.

Issued this 14th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

Venetian blinds.
Barber and beauty shop furniture.
Store display equipment and show cases.
Frames to be used in the production of furniture.

SCHEDULE B

Metal office and industrial furniture and fixtures, as covered by Limitation Order L-13-a, as amended.
Metal household furniture as defined in Limitation Order L-62, as amended.
Bedding products as defined in Limitation Order L-49, as amended.
Hospital, medical, dental and related equipment as covered by List A of Conservation Order M-126, as amended.
Refrigerators.
Wooden lockers for offices and factories.
Wooden shelving.
Wooden factory and industrial equipment.
Furniture specifically designed for use in offices.
Wooden filing cabinets.
Baby cribs, high chairs, toilet chairs, toilet seats, and bathinettes.

[F. R. Doc. 44-791; Filed, January 14, 1944; 4:33 p. m.]

PART 1022—PLUMBING AND HEATING REPAIRS

[Supplementary Preference Rating Order P-84-a, Revocation]

Section 1022.2 *Supplementary Preference Rating Order No. P-84-a* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L-79 as amended simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-802; Filed, January 15, 1944; 11:03 a. m.]

PART 1040—VENDING MACHINES

[Supplementary Limitation Order L-27-a, Revocation]

Order L-27-a (§ 1040.2) is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L-27, as amended, simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-803; Filed, January 15, 1944; 11:01 a. m.]

SCHEDULE X

NOTE: Schedule X amended January 15, 1944.

The numbers listed after the following materials and in the column titled "Commerce Import Class No." are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce issue of January 1, 1943. Materials are included in the list to the extent that they are covered by the commodity numbers listed in that column.

Material	Commerce Import class number	Effective date
Animal oils and fats, edible	0036.000-0036.900 inc.	Dec. 6, 1943
Corn	1031.000	Dec. 6, 1943
Corn, cracked	1090.180	Dec. 6, 1943
Fish and fish products, except shellfish (fresh fish and frozen fish are also excluded)	0062.000-0079.500 inc.	Dec. 6, 1943
Meat products	0018.000-0035.500 inc.	Dec. 6, 1943
Oil cake and oil-cake meal:		
Peanut	1119.600	Dec. 6, 1943
Soybean	1112.000	Dec. 6, 1943
Soap (except Castile) and soap powder	8712.300-8719.900 inc.	Dec. 6, 1943

[F. R. Doc. 44-804; Filed, January 15, 1944; 11:02 a. m.]

PART 1042—STOCKPILE AND TRANSPORTATION

[Supplemental General Imports Order M-63-g as Amended Jan. 15, 1944]

IMPORTS OF STRATEGIC MATERIALS

Pursuant to General Imports Order M-63, as amended, which this order supplements, it is hereby ordered that:

§ 1042.8 *Supplemental General Imports Order M-63-g.* All the provisions of § 1042.1 General Imports Order M-63, as amended from time to time, are hereby extended to cover Puerto Rico and the Virgin Islands of the United States, the same as if such territories were part of the continental United States, *Provided:*

(a) Such provisions shall apply only to transactions in materials listed from time to time on Schedule X hereto attached, effective as of the dates shown in such schedule, and for this purpose, materials on Schedule X shall be considered the same as materials on List III of General Imports Order M-63;

(b) Such provisions shall not apply to inter-island shipments of materials on Schedule X between Puerto Rico and the Virgin Islands of the United States; nor shall such provisions apply to the importation of materials on Schedule X from the continental United States into Puerto Rico and the Virgin Islands of the United States. However, they shall apply to shipments of such materials which originate in a foreign country and simply pass through the continental United States en route to Puerto Rico or the Virgin Islands of the United States.

(c) Notwithstanding issuance of this supplemental order, the provisions of General Imports Order M-63, as amended from time to time, shall continue to apply to the importation of materials covered by such order from Puerto Rico and the Virgin Islands of the United States into the continental United States and

(d) The issuance of this supplemental order shall not affect any regulations now or hereafter issued by any governmental authority covering exports of materials from the continental United States to Puerto Rico and the Virgin Islands of the United States.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[General Conservation Order L-250, as Amended Jan. 15, 1944]

ELECTRIC MOTOR CONTROLLERS

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials and facilities used in the manufacture of electric motor controllers for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.97 *General Conservation Order L-250*—(a) *Definitions*. For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any enterprise to the extent that it is engaged in the business of manufacturing controllers, and includes sales and distribution outlets and warehouses controlled by any such person.

(3) "Manufacture" means the production, fabrication or assembly of any controller, or of any part thereof.

(4) "Controller" means any new device or equipment used to stop, start or regulate electric motors or to protect electric motors against overheating or overloading; including manual and magnetic starters and controllers, contactors and relays, speed regulators, drum switches, shunt or series coil type thermal or magnetic overload relays (except switch gear induction type relays), motor field rheostats, and solenoid, thruster and torque motor brakes; and related pilot devices such as push button stations, and limit, pressure and float switches. The term does not include wiring devices or snap switches rated 15 amperes or less; safety switches; fuses; air circuit breakers; oil circuit breakers; domestic type thermostats, refrigeration controls or furnace controls; or any replacement part for a passenger automobile, truck, truck trailer, passenger carrier, motorized fire equipment, or off-the-highway motor vehicle, as defined in Limitation Order L-158, as amended.

(5) "Commercial" as applied to a size, type or rating of a product means any size, type or rating thereof heretofore normally produced by any producer as a standard item, for his inventory or for general distribution, and not in fulfillment of special orders.

(b) *Restrictions on orders*. No manufacturer shall accept any order for any controller or part thereof, unless the order bears a preference rating of AA-5 or higher. The restrictions of this paragraph shall not apply to any order for any controllers, or parts thereof, for use on elevators and manufactured by a person engaged primarily in the production of elevators.

(c) *Restrictions on manufacture*. (1) Except as otherwise provided herein, on

and after March 1, 1943, no manufacturer shall accept any order, or commence manufacture in fulfillment of any order, for any controller or part thereof unless such controller or part is to be manufactured in accordance with the standards prescribed in subparagraph (2) below. On and after May 14, 1943, no manufacturer shall deliver any controller or part thereof, unless it has been manufactured in accordance with such standards. The limitations of this subparagraph shall not apply to any order for, or delivery of any controller or part which was completely fabricated on or before February 13, 1943.

(2) Subject to the other provisions of this paragraph, all controllers and parts thereof shall be manufactured in compliance with the following requirements and shall be otherwise of the simplest practicable design:

(i) All control circuit wiring shall follow a straight line between terminals except where, and to the extent that deviation therefrom is necessary to avoid electrical or mechanical interference.

(ii) Control circuit wiring carrying 15 amperes or less shall have no greater copper content than size No. 14 AWG wire; except when and to the extent that a larger copper content is required to avoid abnormal voltage drop or heating.

(iii) All buses, connecting straps and terminals, except for oil immersed controllers, shall be of the smallest commercial size copper necessary to prevent the bus, strap or terminal from exceeding a temperature rise of 50° over 40° C. ambient temperature when carrying the full load current of the motor with which the controller will be used.

(iv) No control circuit wiring insulation between terminals on a controller shall be of more than one color for each voltage.

(v) No controller of a type listed in Appendix A, for a single motor, shall include a contactor having an ampere rating in excess of the maximum rating prescribed in the appendix for such controller; except where operation of a general purpose controller, as covered by Table No. 1 or Table No. 4 of Appendix A requires repeated opening of stalled motor current (such as plug-stop or jogging (inching) duty) at a rate in excess of 5 per minute.

(vi) No general purpose controller, for a single motor, of the type listed below rated 600 volts or less shall include control circuit fuses or a control circuit disconnect switch:

(a) Alternating current magnetic across the line type starters;

(b) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(c) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(d) Alternating current combination across the line starters and motor circuit switches.

(e) Direct current reduced voltage controllers.

(f) Direct current, reduced voltage controllers with motor circuit switches or thermal or magnetic circuit breakers.

(vii) No general purpose controller, for a single motor, of the types listed below rated 600 volts or less shall include a control transformer unless master switches or pilot devices of the necessary rating are not obtainable as a commercial product:

(a) Alternating current magnetic across the line type starters;

(b) Alternating current magnetic reduced voltage autotransformer, reactor, impedance, or primary resistance type starters;

(c) Alternating current combination across the line starters and thermal or magnetic circuit breakers;

(d) Alternating current combination across the line starters and motor circuit switches.

(viii) No alternating current controller of the reduced voltage autotransformer, reactor, impedance, or primary resistance type shall be provided for a polyphase induction motor of 20 horsepower or less, rated 600 volts or less, except that the limitations of this paragraph shall not apply to a controller for an elevator, hoist or crane.

(ix) No controller or control equipment of the types listed below, rated 600 volts or less, shall be provided with a floor mounting type steel enclosing case or a floor mounting type steel cabinet:

(a) Magnetic controller for main mill or auxiliary motors, for a metal rolling mill (mill duty controllers);

(b) Magnetic controllers for cab operated cranes;

(c) Protective panels for cranes;

(d) Magnetic or manual controllers for fire pumps;

(e) Magnetic controllers for elevators;

(f) Magnetic controllers for skip hoists;

(g) Magnetic, manual, or combination magnetic and manual controller for a single synchronous motor;

(h) Magnetic controllers of the across-the-line or reduced voltage type for a single motor;

(i) Resistor banks for secondary or armature control, mounted separately from the controller; except where forced draft or air circulation is required to meet the temperature limitation.

The limitations of this subparagraph (c) (2) (ix) shall not apply to any controller or control equipment used below the level of the ground in a mine or quarry; or to any controller to be used in a Class 1 hazardous location as defined in paragraph 5005, article 500, chapter 5 of the National Electrical Code, approved by the American Standards Association, August 7, 1940, or in a Class 2 hazardous location as defined in paragraph 5006, article 500 of the above mentioned code; or to be used generally in an atmosphere which is corrosive, or which contains such quantities of metal particles, dust or fumes as to be destructive of an open type controller; nor shall such limitations apply in any case where the controller is to be installed permanently outdoors without other protection.

(x) No controller shall be supplied with built in test jacks or test receptacles.

(xi) No alternating current motor controller of less than 1,000 horsepower, and no direct current motor controller of 50 horsepower or less, shall include instruments, meters, potential transformers, or current transformers or shunts to be used for metering, mounted on the controller panel or enclosure; but this restriction shall not apply to controllers used to regulate a series of direct current motors driving a common load, nor to alternating current line ammeter and direct current field ammeter to be installed on synchronous motor controllers, nor to ampere hour meters to be installed on industrial truck or locomotive control panels.

(xii) No aluminum, copper, chromium, nickel, cadmium, or alloys or finishes thereof shall be used in the manufacture of enclosing cases, name plates, identification plates or door handles for controllers.

(xiii) No stainless steel shall be used in the manufacture of any controller or part; except for resistance wire or ribbon or where necessary to provide non-magnetic properties required for operation or to prevent sticking or binding of moving parts.

(3) The limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration.

(d) *Miscellaneous provisions—*

(1) *Records and reports.* All persons affected by this order shall keep and preserve, for not less than two years, accurate and complete records concerning inventories, production and sales. All such persons shall execute and file with the War Production Board, such reports and questionnaires as the Board shall request from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Appeals.* Any appeal from the provisions of this order may be filed by either the manufacturer or the purchaser or proposed purchaser. Any such appeal shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal. On appeals from the provisions of paragraph (c) (2) (viii), the letter shall include the following data:

- (i) Horsepower, voltage, frequency and phase of the motor to be controlled;
- (ii) The kva rating of the transformer bank supplying the motor;
- (iii) The maximum load on the transformer bank, exclusive of the motor to be controlled;

(iv) Description of the equipment being driven by the motor if reduced voltage starter is necessary to limit starting torque;

(v) And any other information necessary to establish the need for a reduced voltage starter.

(4) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to War Production Board, General Industrial Equipment Division, Washington 25, D. C.; Ref.: L-250.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—ALTERNATING CURRENT CONTROLLERS

TABLE NO. 1—SQUIRREL CAGE AND WOUND ROTOR MOTOR CONTROLLERS

Maximum permissible size of:

- (a) Enclosed across-the-line magnetic switch general purpose starters (8 hour basis)
- (b) Reduced voltage general purpose magnetic starters

H. P. at 110 volts		H. P. at 220 volts		H. P. at 380-440-550 volts ¹		Maximum ampere rating
Three phase	Single phase	Three phase	Single phase	Three phase	Single phase	
1½	1	2	1½	2	1½	15
3	1½	5	3	7½	5	25
7½	3	15	7½	25	10	50
15	7½	30	15	50	25	100
25	—	50	—	100	—	150
—	—	100	—	200	—	300
—	—	200	—	400	—	600

¹ These sizes not applicable to (a) or (b) for oil immersed controllers of the across-the-line or reduced voltage types, or (b) reduced voltage general purpose magnetic starters.

² If full load motor current of 380 volts exceeds the enclosed rating of the controller, the next larger size controller may be used.

TABLE NO. 2—SYNCHRONOUS MOTOR CONTROLLERS

Maximum permissible size of:

- (a) Controllers for full voltage starting
- (b) Controllers for reduced voltage starting

Horsepower rating				Maximum contactor rating (8 hour)
220 volt		440-550 volt		
1.0 P. F.	0.8 P. F.	1.0 P. F.	0.8 P. F.	
20	15	30	25	50
40	30	60	50	100
60	50	125	100	150
125	100	250	200	300
250	200	500	400	600
500	400	1,000	800	1,200

TABLE NO. 3—OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:

- (a) Line controller

Horsepower @ 220 volts crane duty	Horsepower @ 440-550 volt crane duty	Maximum ampere rating (8 hour)	Maximum ampere rating crane duty
40	75	60	50
60	125	100	133
150	300	150	200
300	—	300	400
—	—	600	800

DIRECT CURRENT CONTROLLERS

TABLE NO. 4—GENERAL PURPOSE & MACHINE TOOL SERVICE CONTROLLERS

Maximum permissible size of:

- (a) Line controller
- (b) Reversing controller
- (c) Final accelerating controller

Horsepower rating			Maximum ampere rating
115 volt	230 volt	550 volt	
3	5	—	25
5	10	20	50
10	25	50	100
20	40	75	150
40	75	150	300
75	150	300	600

TABLE NO. 5—STEEL MILL AUXILIARIES & OVERHEAD TRAVELING CRANE CONTROLLERS

Maximum permissible size of:

- (a) Line controller
- (b) Accelerating controller

Horsepower continuous duty	Maximum ampere rating (8 hour)	Horsepower mill or crane duty	Maximum ampere rating mill or crane duty
25	100	35	133
40	150	55	200
75	300	110	400
150	600	225	800

INTERPRETATION 1

Paragraph (c) (2) (ix) prohibits the use of floor mounting type steel enclosing cases or steel cabinets for various kinds of controllers, with certain exceptions. These exceptions include cases for use in an atmosphere which is corrosive or which contains metal particles, dust, or fumes, or for use out-of-doors without other protection.

A question has arisen as to whether Type I (general purpose) and Type IA (semi-dust tight) enclosing cases are included within the above mentioned exception. Since Types I and IA cases are not suitable for protection against conditions of the kind which form the basis for the above mentioned exemptions, such equipment is not deemed to be within the exception regardless of the use to which the purchaser alleges he wishes to put the equipment. (Issued June 8, 1943.)

INTERPRETATION 2

Subparagraph (c) (3) of § 1226.97 (General Conservation Order L-250) provides that the limitations of paragraph (c) shall not apply to any controller delivered for use aboard any ship owned or operated by the Army, Navy, Maritime Commission or War Shipping Administration. A question has been raised as to the proper classification of floating dry docks. It was contemplated that floating dry docks produced for service anywhere would be considered ships within the meaning of the paragraph. (Issued June 15, 1943.)

INTERPRETATION 3

The question has been raised as to whether the word "controller", as defined in paragraph (a) (4), includes a controller which is incorporated into a larger assembly, as a component part of the assembly.

The word "controller", as thus used, includes any controller (except those which are specifically excluded in the definition), regardless of whether it is assembled with other apparatus, or mounted individually. (Issued Nov. 1, 1943.)

[F. R. Doc. 44-806; Filed, January 15, 1944; 11:02 a. m.]

PART 1226—GENERAL INDUSTRIAL
EQUIPMENT[Limitation Order L-292, Quota Schedule II]
PRODUCTION QUOTAS FOR BAKERY MACHINERY
AND EQUIPMENT

§ 1226.79 *Production quotas for bakery machinery and equipment*—(a) *Purpose of this schedule.* The purpose of this schedule is to fix production quotas for certain items of bakery machinery and equipment for the year beginning October 1, 1943, and ending September 30, 1944, inclusive. The quotas for the items described in this schedule shall take the place of quota provisions of paragraph (g) (2) (ii) of Order L-292 with respect to those items.

(b) *Definitions.* (1) "Base period use" means the annual average tonnage of controlled materials used to complete items of bakery machinery and equipment during the years 1939, 1940 and 1941.

(2) "Controlled material" means controlled material as defined in CMP Regulation 1.

(c) *Production quotas.* During the year beginning October 1, 1943, and ending September 30, 1944, no manufacturer shall use more controlled materials to fabricate or assemble bakery machinery and equipment in any class than the quota percentage of his base period use for each class of machinery and equipment as set forth in the table below.

PRODUCTION QUOTAS

The first column describes each class of machinery covered by this schedule.

The second column describes the various types of machinery and equipment included in each class of machinery.

The third column assigns a code number to each type of machinery and equipment.

The fourth column shows the quota percentage that each manufacturer is allowed.

Class of machinery	Type of machine	Code No.	Quota percentage
Dough handling—	Brakes, dough reversible.	200.007	85
	Brakes, dough return.	200.008	
	Brakes, dough upright.	200.009	
	Cookie droppers, wire cut.	200.022	
	Cutting machines, biscuit and crackers.	200.026	
	Cutters for cutting machines.	200.027	
	Cutters, pie pastry table.	200.028	
	Cutters, noodle.	200.029	
	Depositors, cake batter.	200.030	
	Depositors, cookie batter.	200.031	
	Dividers, bread.	200.033	
	Dividers, pie dough.	200.034	
	Dividers, roll, automatic.	200.035	
	Dividers, roll, semi-automatic.	200.036	
	Dividers, roll, hand.	200.037	
	Mulsifiers.	200.045	
	Holst, trough.	200.049	
	Hoppers, dough reservoir.	200.050	
	Kneaders, macaroni.	200.054	
	Moulders, bread dough.	200.061	
	Extender, bread dough.	200.062	
	Extenders, roll dough.	200.063	
	Extenders, rotary biscuit.	200.064	
	Moulders, rotary biscuit.	200.065	
	Pie machines, automatic straight lines.	200.074	

Class of machinery	Type of machine	Code No.	Quota percentage
Dough handling—Con.	Pie machines, automatic rotary.	200.075	85
	Presses, macaroni.	200.076	
	Proofers, intermediate drawer.	200.077	
	Proofers, intermediate floor type, automatic.	200.078	
	Proofers, intermediate, overhead, automatic.	200.079	
	Rimmers, pie.	200.083	
	Rolling machines, pretzels.	200.084	
	Rolling machines, pie dough.	200.085	
	Rounders, bread.	200.086	
	Rounders, roll.	200.087	
	Sheeters, dough.	200.091	
	Trimmers, pie.	200.108	
	Trough, dough & biscuit.	200.109	
	Troughs, dough, bread, rolls.	200.110	
	Twisting machines, pretzels.	200.112	
	Unloaders, bowl.	200.113	
Mixing	Mixers, horizontal bread dough.	200.055	95
	Mixers, horizontal low speed.	200.056	
	Mixers, pie dough.	200.058	
	Mixers, spindle.	200.059	
	Mixers, vertical.	200.060	
	Rubbing & creaming machines.	200.088	
Oven	Cookers, pretzel.	200.021	85
	Ovens, Reel.	200.066	
	Ovens, Reel.	200.067	
	Ovens, revolving tray, horizontal shaft.	200.068	
	Ovens, rotary vertical shaft.	200.069	
	Ovens, traveling tray.	200.070	
	Ovens, tunnel, band or wire mesh.	200.071	
	Ovens, tunnel, chain and drag.	200.072	
	Ovens, tunnel, plate or grid.	200.073	
Slicing & wrapping	Slicers, bread, portable type.	200.095	85
	Slicers, bread, hand type.	200.096	
	Slicers, bread, reciprocating type.	200.097	
	Slicers, cake.	200.098	
	Slicers, roll.	200.099	
	Wrapping machines, bread, automatic.	200.116	
	Wrapping machines, bread, semi-automatic.	200.117	
	Wrapping machines, bread, hand.	200.118	
	Wrapping machines, cake.	200.119	
General baking	Bins, flour dump.	200.003	80
	Bins, flour storage.	200.004	
	Blenders, flour.	200.005	
	Bolting reels, flour.	200.006	
	Burners, oven, gas.	200.010	
	Burners, oven, oil.	200.011	
	Sack cleaners.	200.013	
	Conveyors, chain.	200.014	
	Conveyors, screw, flour.	200.015	
	Conveyors, belt.	200.016	
	Conveyors, slat.	200.017	
	Conveyors, pin trolleys.	200.018	
	Conveyors, bucket.	200.019	
	Conveyors, tray.	200.020	
	Coolers, bread, automatic.	200.023	
	Coolers, bread, rack type.	200.024	
	Coolers, doughnut.	200.025	
	Dryers, macaroni.	200.041	
	Dusters, peel board.	200.042	
	Elevators, bucket flour.	200.043	

Class of machinery	Type of machine	Code No.	Quota percentage
General baking—Con.	Sifters, flour, gyrating.	200.092	80
	Sifters, flour, revolving.	200.093	
	Sifters, flour, vibrating.	200.094	
	Stackers.	200.101	
	Tables, bread sorting.	200.103	
	Tanks, pan and rack cleaning.	200.104	
	Tanks, water tempering, weighing.	200.105	
	Tanks, water tempering, measuring.	200.106	
	Trucks, pan.	200.111	
	Washers, pan.	200.115	
	All others.	200.121	
	Water meters.	200.122	
Miscellaneous	Cleaning machines, fruit.	200.012	30
	Depositors, marshmallow.	200.032	
	Doughnut machines, automatic.	200.038	
	Doughnut machines, semi-automatic.	200.039	
	Doughnut machines, hand.	200.040	
	Filling machines.	200.047	
	Icing machines, cake.	200.053	
	Sandwich machines.	200.060	
	Spraying machines, oil.	200.100	
	Sugaring machines, doughnut.	200.102	
	Topping machines.	200.107	
	Wafer machines, sugar.	200.114	

(d) *Exceptions.* The quota provisions of paragraph (c) above do not restrict the fabrication or assembly of bakery machinery and equipment to fill specific orders actually received by a manufacturer for export outside the territorial limits of the United States and Canada or for direct use by the Army, Navy, Maritime Commission or War Shipping Administration.

(e) *Increase, decrease and transfer of quotas.* The War Production Board may, by specific written directions, issued to any manufacturer or class of manufacturers, increase or decrease any quota established on this schedule and may transfer any portions of the quota between manufacturers, taking into consideration the amount of materials to be used, the need for particular items at the time required, the labor and transportation situation in the manufacturing areas involved, the inability of any manufacturer to manufacture his quota, and such other factors as may be relevant.

(f) *Applicability of Limitation Order L-292.* Except as otherwise indicated herein, this schedule is subject to all applicable provisions of Limitation Order L-292, as amended from time to time.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-805; Filed, January 15, 1944;
11:03 a. m.]

PART 3191—AIRCRAFT

[General Limitation Order L-262,
Revocation]

Section 3191.1 *General Limitation Order L-262* is revoked. This revocation does not affect any liabilities incurred

under the order. The manufacture and delivery of link trainers and aircraft remain subject to all other applicable regulations and orders of the War Production Board.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-807; Filed, January 15, 1944;
11:02 a. m.]

PART 3238—PLUMBING AND HEATING EQUIPMENT

[Supplementary General Limitation Order
L-23-c as Amended Jan. 15, 1944]

DOMESTIC COOKING APPLIANCES AND DOMESTIC HEATING STOVES

§ 3288.66 *Supplementary General
Limitation Order No. L-23-c—(a) Definitions.* For the purposes of this order:

(1) "Domestic cooking appliances" means gas ranges, cook stoves, and hot plates for household use; coal and wood ranges and cook stoves (including laundry stoves except water jacketed and permanently built-in coil types) for household use; fuel oil ranges, cook stoves, table stoves and hot plates for household use; combination ranges (including dual oven types, ranges with built-in kitchen heaters, and bungalow types) except electrical, for household use; camp and trailer stoves for cooking purposes; fuel oil conversion range burners; and drum and portable ovens.

(2) "Domestic heating stoves" means any above the floor devices (except electric) for the direct heating of the space in and adjacent to that in which the device is located, designed for use without heat distribution pipes or ducts, and includes, but is not limited to, circulating, radiant and portable heaters and trailer and caboose stoves. Domestic heating stoves shall not include floor or wall furnaces.

(3) "New domestic cooking appliances and domestic heating stoves" means any such appliances or stoves which have never been used by an ultimate consumer.

(4) "Accessories" means aprons, thermostats, high closets, high shelves, clocks, broiler pans other than iron or steel, storage compartments, thermometers, and any other instruments, attachments, or appurtenances (except top-burner lighters) for domestic cooking appliances not essential to any of the following three major cooking operations: top burner cooking, oven baking and oven broiling.

(5) "Steel coal or wood range or cook stove" means a coal or wood range or cook stove in which the total weight of steel is 20% or more of the total weight of metal of the unit.

(6) "Fuel oil" means any liquid petroleum product commonly known as fuel oil including Numbers 1, 2, 3, 4, 5, and 6, Bunker C, Diesel oil, kerosene, range oil, gas oil or any other liquid petroleum product used for the same purposes as the above designated grades.

(7) "Base period" means the 12 months period from July 1, 1940 to June 30, 1941.

(8) "Factory sales value" means the aggregate value of shipments of domestic cooking appliances and domestic heating stoves.

(9) "Class A producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was \$2,000,000 or more.

(10) "Class B producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than \$2,000,000 and who are located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(11) "Class C producers" means those manufacturers of domestic cooking appliances and/or domestic heating stoves whose factory sales value for the twelve months ending June 30, 1941, including both domestic sales and exports, was less than \$2,000,000 and who are not located in Labor Area Group I, as defined from time to time by the War Manpower Commission.

(12) "Producer" means any person who during the base period manufactured, fabricated or assembled any domestic cooking appliances or domestic heating stoves.

(b) *General restrictions.* (1) No person except a producer shall manufacture, fabricate or assemble any domestic cooking appliances or any domestic heating stoves.

(2) No person shall manufacture, fabricate or assemble any domestic cooking appliance or domestic heating stove except from materials in inventory on July 29, 1943, or the acquisition and use of which is specifically authorized from time to time by the War Production Board under the Controlled Materials Plan or otherwise. In authorizing the manufacture of domestic cooking appliances and domestic heating stoves the War Production Board will, in general, authorize Class C producers to produce the types they normally fabricate up to 100% of their base period unit production before authorizing the manufacture of any of the same types by Class A and Class B producers; *Provided, however,* That during the period from July 1, 1943 to June 30, 1944 the total number of units of each type authorized for production by all producers will not exceed the percentages of total unit production specified in Schedule A attached.

(3) No producer shall manufacture, fabricate or assemble any domestic cooking appliances (other than combination ranges) or domestic heating stoves, except in those fuel types which he manufactured, fabricated or assembled during the base period; but this provision shall not apply to such appliances or stoves manufactured, fabricated or assembled

for delivery to or for the account of the Army, Navy, Maritime Commission, or War Shipping Administration of the United States, or for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55 or any Order in the P-19 series.

(4) No producer shall manufacture, fabricate, or assemble any domestic cooking appliances, except those listed in Schedule B attached, and then only in accordance with the maximum weights, numbers of models or sizes and description of types set forth in such table; and no person shall manufacture, fabricate or assemble any accessories or incorporate them into any domestic cooking appliances.

(5) No person shall manufacture, fabricate or assemble any domestic heating stoves except those listed in Schedule B attached, and then only in accordance with the numbers of models and BTU capacities set forth therein.

(6) No producer shall

(i) Use any iron or steel in the production of cover tops or lids to cover the cooking surfaces of domestic cooking appliances when not in use; or

(ii) Produce or assemble any domestic cooking appliances equipped with such cover tops or lids containing any iron or steel; or

(iii) Use any "bright work", "bright finish", metal finish, or trim containing copper, nickel, chrome, or aluminum or other alloy in the production of domestic cooking appliances or domestic heating stoves; or

(iv) Use any alloy steel in the production of domestic cooking appliances or domestic heating stoves except for valves.

(7) No producer shall substitute steel for cast iron in the manufacture, fabrication of assembly of any model of domestic cooking appliance or domestic heating stove which he manufactured, fabricated or assembled prior to July 29, 1943.

(8) No producer shall manufacture, fabricate or assemble any steel coal or wood range or cook stove who did not manufacture, fabricate or assemble such ranges or stoves during the period July 1, 1940 to July 29, 1943.

(c) *Exceptions.* (1) Nothing in paragraph (b) (4) or (b) (5) shall restrict the manufacture, fabrication or assembly of trailer or caboose stoves.

(2) Domestic cooking appliances or domestic heating stoves which do not conform to the provisions of paragraph (b) (4) or (b) (5) may be manufactured, fabricated or assembled to specifications for the account of or for delivery to the Army, Navy, Maritime Commission or War Shipping Administration of the United States, or to specifications for use in a building or project authorized under Preference Rating Order P-55-b or rated under Preference Rating Order P-55, or any Order in the P-19 series: *Provided,* That a prior request be made to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., by letter, and approved in writing.

(3) Notwithstanding any restrictions in this order, concerning use of metals, accessories, weight per unit, numbers of models, or sizes or types, until October 27, 1943, any producer may manufacture, fabricate or assemble any domestic cooking appliance or any domestic heating stove provided that he has in his inventory, on July 29, 1943, fabricated iron or steel parts of any such appliance or stove which total at least 50% of the total weight of iron and steel which such appliance or stove would contain when completely assembled.

(d) [Deleted Jan. 15, 1944]

(e) *Repair parts.* Nothing in this order shall prohibit or restrict the manufacture or shipment of repair parts for domestic cooking appliances or domestic heating stoves.

(f) *Reports.* Each producer shall execute and file with the War Production Board, such reports as the War Production Board may specify from time to time, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(g) *Applicability of priorities regulations.* All persons and transactions affected by this order are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(h) *Applicability of other orders.* Insofar as any other orders heretofore or hereafter issued by the War Production Board limit the use of any material in the production of domestic cooking appliances or domestic heating stoves to a greater extent than the restrictions imposed by this order, the restrictions of such other order shall govern, unless otherwise specified therein.

(i) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(j) *Communications.* All communications concerning this order, except appeals, shall, unless otherwise directed, be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref.: L-23-c.

(k) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Percentage of total unit production by all pro- ducers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances:	
1. Gas ranges and cook stoves.....	40
2. Combination, bungalow and kitchen heater ranges.....	40
3. Coal and wood ranges and cook stoves.....	100
4. Fuel oil ranges and cook stoves.....	40
5. Coal and wood laundry stoves.....	100

SCHEDULE A—Continued

	Percentage of total unit production by all pro- ducers in the base period (July 1, 1940 to June 30, 1941)
Domestic cooking appliances—Con.	
6. Gas hot plates.....	75
7. Portable and drum ovens.....	75
Domestic heating stoves:	
1. Gas fired heaters.....	75
2. Oil fired heaters.....	40
3. Coal and wood heaters.....	100

SCHEDULE B

Appliance	Maximum weight of iron and steel permitted in finished product (pounds)	Maxi- mum number of mod- els or sizes per- mitted	Types
1. Gas ranges.....	100.....	2	One to have 3 top burners, broiler optional. One to have 4 top burners with broiler and bake oven.
2. Gas hot plates.....	15 iron (no steel permitted).....	3	1-1 burner, 1-2 burner, 1-3 burner.
3. Coal or wood ranges and cook stoves.	Average unit weight of any pro- ducer's production in any calen- dar quarter not to exceed 85% of such average unit weight dur- ing the base period.	8	2 steel ranges or cook stoves. 3 cast iron ranges. 3 cast iron cook stoves (At least one steel range or cook stove one cast iron range and one cast iron cook stove manufactured by any producer shall be the lightest of each in his line).
4. Gas and coal or wood combination ranges.	Lightest in producer's line from July 1, 1940 to July 29, 1943.	1	
5. Bungalow or kitchen heater range (gas and coal or wood).	350.....	1	
6. Fuel oil ranges.....	50.....	2	1-3 top burner range with bake oven. 1-2 top burner range with bake oven.
7. Fuel oil stoves.....	45.....	2	1-2 burner stove. 1-3 burner stove.
8. Fuel oil table stoves.....	18.....	3	1-1 burner stove. 1-2 burner stove. 1-3 burner stove.
9. Laundry stoves.....		6	4-2 hole stoves. 2-4 hole stoves. (1-2 hole stove and 1-4 hole stove manufactured by any producer shall be the lightest of each in his line).
10. Portable ovens.....		2	1 single oven. 1 double oven.
11. Drum ovens.....		1	
Stoves	Number of models or sizes per- mitted	Maximum of models or sizes permitted in BTU capacities per hour	
1. Gas Radiant.....	10	2-12,000 or less input. 2-12,001 to 20,000 input. 2-20,001 to 30,000 input. 2-30,001 to 45,000 input. 2-over 45,000 input.	
2. Gas circulating.....	6	2-30,000 or less input. 2-30,001 to 50,000 input. 2-over 50,000 input.	
3. Fuel oil portable (bail type).....	2		
4. Fuel oil circulating.....	10	2-30,000 or less output.	
5. Cast iron or steel coal and/or wood.....	10		
6. Sheet steel wood stoves.....	6		

[F. R. Doc. 44-812; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-79, as Amended
Jan. 15, 1944]

Section 3288.31 General Limitation
Order L-79, is amended to read as fol-
lows:

§ 3288.31 *General Limitation Order
L-79—(a) What this order does.* The
purpose of this order is to conserve the

supply and direct the distribution of
plumbing, cooking and heating equip-
ment by preventing the sale of certain
essential items on List A except for nec-
essary replacements, or on rated orders.
These are items, the production of which
is restricted, and which can be made
available to essential users only. The
order provides a rating to enable sellers
to get these items for necessary replace-
ment. It permits other items of plumb-

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ing and heating equipment to be bought by sellers on unrated orders without restriction but provides a preference rating to enable sellers to buy these non-restricted items when a rating is needed. No preference ratings are assigned to consumers and deliveries to consumers for replacement and repair do not have to be on rated orders. The order supersedes the previous version of L-79, as well as General Preference Order P-84.

(b) *Assignment of preference ratings.* Preference rating AA-3 is assigned to any seller to enable him to get the following:

(1) Equipment shown in List A, including repair parts.

(2) Repair parts only for items on List B, and repair parts for stoves rationed by the O. P. A. under Ration Order 9-A.

(3) All other equipment, material and parts which are used to supply, store and heat water, to remove waste matter and water-borne waste, to treat waste matter chemically, and to heat buildings, including electric heat controls. Any rating under this paragraph cannot be used, however, to get equipment specifically designed for industrial processing, fire protection, the production or transmission of power, or for use by a public utility, equipment using electricity as fuel, heat exchangers subject to L-172, fans and blowers as defined in L-280, steel or wrought iron pipe or steel sheets, or equipment specifically designed for refrigerating or dehumidifying, or portable items such as pans or sump pumps which are not designed to be built into or fastened to the building in which they are used. Directions will from time to time be issued specifying items which are subject to this paragraph and items which are excluded.

(c) *Exception.* No rating is assigned to any delivery to which a rating is assigned by CMP Regulation 9A.

(d) *Inventory restrictions on sellers.* (1) A seller who is a repair man as defined in CMP Regulation 9A may not accept delivery of any item of parts or materials obtained by applying a rating under this order if his inventory of that item of parts or materials is or would be accepting delivery become larger than he needs to continue his repair and maintenance services for a 60-day period, according to his current method of operation. However, if the supply of any item which he has on hand is less than the permitted amount, he may accept delivery of the smallest commercial amount of that item which his distributor normally sells, even if that will increase his supply beyond the amount specified.

(2) A seller who is not a repair man as defined in CMP Regulation 9A is subject to the limitation of inventory prescribed in Order L-63.

(e) *Up-rating.* In the case of ratings applied or extended by sellers under Order P-84 prior to its revocation, deliveries may be re-rated in accordance with the provisions of Priorities Regulation No. 12. However, any person with whom such an order was placed is authorized to treat it as re-rated without requiring any notice or certificate to be furnished to him by the seller: *Provided*, That any manufacturer or seller who re-rates any orders

placed with him under this paragraph must so re-rate all orders placed with him which can be re-rated.

(f) *Restrictions on deliveries of items on List A.* No person may deliver or accept delivery of equipment included in List A of this order except:

(1) Equipment which has previously been used.

(2) Equipment which is delivered to fill a rated order.

(3) When the delivery is to a consumer for installation to replace existing equipment which is worn out, damaged beyond repair or destroyed, but not to replace useable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the part or parts worn out, damaged or destroyed.

(g) *When a consumer needs a preference rating and how he gets it.* Consumers are not assigned ratings by this order and will not need ratings unless they want to buy items on List A for purposes other than replacement. When a rating is needed, usually they can apply for ratings on Form WPB-1319.¹ However, if the material is to be used in new construction of a type which is restricted under Order L-41, the consumer must use the form specified in Schedule C of that order. Industries and government institutions may use CMP Regulations 5 and 5A ratings for repair parts and replacement items.

(h) *Consumer's certificates.* No seller may deliver an item on List A to fill a consumer's unrated order unless he obtains a certificate in substantially the following form:

I need the item included in this purchase to replace equipment worn out, damaged beyond repair, or destroyed. I will not use it to replace useable equipment or to make a substitution which would provide more extensive facilities than are necessary to replace the parts which are worn out, damaged, or destroyed.

Address of installation.....
Consumer's signature.....
Address

Any certification is a representation to the War Production Board as well as to the seller. No one may deliver relying on a certification being true if he knows or should know it is false, but anyone who reasonably relies on the truth of a certificate is not to be held responsible if it turns out to be false. No one shall make a false statement in a certification. Sellers shall retain certificates in their files for two years for inspection by WPB representatives.

(i) *Salvage.* No person may install equipment on List A for replacement unless he takes any replaced metal parts or equipment, not coated with a fused or nonmetallic surface, and arranges for its further use, or turns it in for salvage to any authorized scrap metal dealer within thirty days after the replacement.

¹ A revision of Form WPB-1319 for this purpose was in preparation on the date of issuance of the order. Until it is completed and approved, applications should be filed on Form WPB-2631, formerly PD-851. Use of this form for this purpose has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This requirement does not mean that the installer is entitled to take old equipment without the owner's consent or without crediting him with its value.

(j) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories and sales.

(k) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(l) *Violations and false statements.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment or both. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any person affected by this order may appeal from its provisions by filing Form WPB 1477 (formerly PD-500) with a field office of the War Production Board.

(n) *Communications.* All reports to be filed and other communications concerning this order, except appeals, shall be addressed to the War Production Board, Plumbing and Heating Division, Washington 25, D. C., Ref: L-79.

(o) *Definitions.* For the purposes of this order:

(1) "Seller" means any person who buys plumbing, heating, or cooking equipment for resale, whether or not he makes the installation.

(2) "Consumer" means any person who buys plumbing, heating, or cooking equipment for installation or use on premises owned or occupied by him.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

LIST A

The following items of plumbing and heating equipment:

1. Furnaces, heating (as defined in Order L-22), and cast iron boilers, heating (as defined in Order L-187), but excluding furnace-burner and boiler-burner units in which the boiler or furnace is designed for use of oil or gas only as a fuel.
2. Water heaters, not electric or industrial (direct-fired and indirect, as defined in Order L-185).
3. Tanks, including range boilers and expansion tanks (as defined in Order L-199).
4. Cast iron tubular radiators.

LIST B

1. Commercial cooking and food and plate warming equipment as defined in Limitation Order L-182, as amended: all not electric.

Bakers.

Broilers.

Fryers.

Food warmers.

Griddles: commercial cooking.

Grills.

Hot plates: commercial.

Ovens: bake, except industrial type.

Ranges.

Roasters: commercial.
Steamers: oven.
Toasters: commercial.
Urns.

Warmers: food-plate.

2. Commercial dishwashing machines: not domestic: as defined in Limitation Order L-248 as amended.

3. Class A stokers: grate area 36 sq. ft. or less, capacity in excess of 60 lbs. per hour, as defined in Limitation Order L-75 as amended.

4. Class B oil burners: not designed specifically for shipboard use or heat processing: as defined in Limitation Order L-74 as amended.

5. Extended surface heating equipment as defined in Limitation Order L-107, as amended.

Unit heaters: steam or hot water.
Unit ventilators, heating: steam or hot water.

Convectors.
Blast heating coils: steam or hot water.
Special heating coils: steam or hot water.

Heat transfer element: metal: fin tube: for transferring heat from steam or water to air.

6. Steel boilers of types listed in Order M-293, Table 14.

[F. R. Doc. 44-810; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[General Limitation Order L-79, Revocation of Interpretation 1]

Interpretation 1 is superseded by provisions of General Limitation Order L-79, as amended January 15, 1944.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-809; Filed, January 15, 1944; 11:01 a. m.]

PART 3288—PLUMBING AND HEATING EQUIPMENT

[Preference Rating Order P-84 as Amended, Revocation]

PLUMBING AND HEATING EMERGENCY REPAIRS

Section 3288.1 *Preference Rating Order P-84* is revoked. This revocation does not affect any liabilities incurred under the order. The order is superseded by Order L-79, as amended simultaneously with this revocation.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-811; Filed, January 15, 1944; 11:02 a. m.]

PART 3291—CONSUMERS DURABLE GOODS

[Limitation Order L-27, as Amended Jan. 15, 1944]

VENDING MACHINES: MERCHANDISE

Section 3291.100¹ *Limitation Order L-27* is hereby amended to read as follows:

§ 3291.100 *Limitation Order L-27*—
(a) *Definitions.* For the purposes of this order:

¹ Formerly Part 1040, § 1040.1.

(1) "Merchandise vending machines" means any machines or devices (whether or not coin operated) from which merchandise is dispensed. It includes, for example, cigarette, candy, chewing gum, nut, bulk and bottled beverage and food vending machines, photographic vending machines, sanitary napkin vending machines and drinking cup dispensers. It does not include automatic restaurants (so-called automats) or U. S. Postage stamp vending machines.

(2) "Manufacturer" means any person who produces or assembles any merchandise vending machines or parts for merchandise vending machines, or any person who produced or assembled any merchandise vending machines during the twelve month period ending June 30, 1941, whether or not he now produces any.

(3) "Deliver" means to lease, sell, or transfer.

(b) *Restrictions on production and delivery.* (1) No manufacturer shall produce or deliver any merchandise vending machines except sanitary napkin vending machines, which may only be produced according to a quota approved by the War Production Board on Form WPB-2719 (formerly PD-880).

(2) Each manufacturer who wishes to produce or deliver any of these sanitary napkin vending machines must file this form with the War Production Board on or before the 15th day of December, March, June and September according to the instructions accompanying that form. A manufacturer asking permission to produce or assemble sanitary napkin vending machines must file with his first application a letter stating the total number of sanitary napkin vending machines which he produced, assembled or delivered during the twelve month period ending June 30, 1941 and the location of his plant and of any other plants which will produce parts for those machines. If the manufacturer intends to produce or assemble in his own plant, he should state the estimated man hours which will be consumed in the production or assembly of each unit. If the manufacturer intends to have the machines produced for him by another manufacturer, he should state that fact and give the name and location of the other manufacturer.

(c) *Delivery of certain merchandise vending machines not covered.* This order does not restrict the delivery of any merchandise vending machines completely finished before January 15, 1944.

(d) *Reports.* Each manufacturer producing or delivering sanitary napkin vending machines must file, with the War Production Board, quarterly reports on Form WPB-2719 (formerly PD-880) on or before the 15th day of December, March, June and September, according to the instructions for filing that form.

(e) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment.

In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(f) *Appeals.* Any appeal from the provisions of this order shall be filed on Form WPB-1477 (formerly PD-500) with the field office of the War Production Board for the district in which is located the plant or branch of the appellant to which the appeal relates.

(g) *Applicability of other orders and regulations.* This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of vending machines to a greater extent than does this order, the other order shall govern unless it states otherwise.

NOTE: The reporting provisions of this order have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-813; Filed, January 15, 1944; 11:01 a. m.]

PART 3291—CONSUMERS DURABLE GOODS¹

[General Limitation Order L-45, as Amended Jan. 15, 1944]

JEWELRY

Section 3291.195¹ *General Limitation Order L-45* is hereby amended to read as follows:

§ 3291.195 *General Limitation Order L-45*—(a) *Definitions.* For the purposes of this order:

(1) "Jewelry" means all articles commonly known as jewelry, designed to be worn on or about the person, including but not limited to religious jewelry, mesh bags, vanity cases, compacts, cigarette cases, watch bracelets. It does not include watch cases unless they contain or are designed to contain stones, pearls or jewels.

(2) "Manufacturer" means any person engaged in the business of producing jewelry.

(3) To "produce jewelry" means the performance of the last manufacturing or assembling operation on jewelry. It includes the repair of jewelry if the repair requires more karat gold or palladium (by weight) in combined total than 5 percent of the combined weight of karat gold and palladium in the jewelry being repaired. A manufacturer making such repair shall, for the purpose of paragraph (b), be deemed to have produced jewelry containing only the amount of karat gold and palladium he has added. It does not include the following: (i) the sizing of a ring for the ultimate consumer when material is removed or when material is added for the purpose of sizing alone; or (ii) the addition of one or more

¹ Formerly Part 1078, § 1078.1.

stones, pearls or jewels to an otherwise finished article and the polishing of such article.

(4) "Karat gold" means karat gold as defined in United States Commercial Standard CS67-38 (issued by the National Bureau of Standards).

(5) "Palladium" includes the total weight of any palladium alloy containing 10 percent or more of palladium by weight.

(b) *General restrictions.* (1) In the first calendar quarter of 1944 and in each calendar quarter after that, no manufacturer shall produce jewelry containing more karat gold and palladium (by weight) in combined total than a weight computed by adding 18 3/4% of the weight of karat gold and palladium and 37 1/2% of the weight of platinum contained in jewelry produced by him in 1941.

(2) The restrictions in paragraph (b) do not apply to a manufacturer who produced jewelry in 1941 containing karat gold or palladium or platinum and who now in any calendar quarter does not produce jewelry containing more karat gold and palladium (by weight) in combined total than 250 ounces.

(c) *Applicability of other orders and regulations.* (1) This order and all transactions affected by this order are subject to the applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in the production of jewelry (as defined in this order) to a greater extent than does this order, the other order shall govern unless it states otherwise.

(2) Notwithstanding the restrictions contained in Order M-9-c, as amended from time to time, karat gold containing not more than 45% copper (by weight) may be used in the production of jewelry within the quota established by this order.

(d) *Violations.* Any person who willfully violates any provision of this order or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(e) *Appeals.* Any appeal from this order should be made on Form WPB-1477 (formerly PD-500) and should be filed with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(f) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref.: L-45.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-814; Filed, January 15, 1944;
11:01 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-243, as Amended Jan. 15, 1944]

ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

§ 3293.331 Allocation Order M-243—
(a) *Definitions.* (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride) of any grade and from whatever source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) produced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as such.

(7) "Supplier" means a producer or distributor.

(b) *Restrictions on deliveries.* (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person unless specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof, except, however, that any supplier may, without authorization of War Production Board, resell but not export, a total amount not to exceed 5,000 pounds of each of the foregoing chemicals (acetic anhydride, acetic acid and acetaldehyde) in any calendar month.

(2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.

(3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or

acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54 gallons.

(c) *Restrictions on use.* (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.

(2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.

(3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.

(d) *General and special instructions of War Production Board.* (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:

(i) Use, delivery or acceptance of delivery of acetic anhydride, acetic acid or acetaldehyde.

(ii) Production of acetic anhydride, acetic acid or acetaldehyde.

(2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD-600) and WPB 2947 (formerly PD-602) provided for in the paragraphs (e) and (f).

(e) *Applications by suppliers for authorization to deliver.* (1) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD-600) respecting a delivery in such month, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each supplier requiring authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate

provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(f) *Applications and use certificates to be filed by prospective purchasers.*

(1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form WPB 2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.

(2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

(g) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.

(2) *Approval of reporting requirements.* Forms WPB 2945 and WPB 2947 (formerly PD-600 and PD-602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(3) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control

and may be deprived of priorities assistance.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M-243, issued October 20, 1942 shall continue in effect until so superseded.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUPPLIER'S FORM WPB 2947 (FORMERLY PD-602)

(1) *Obtaining forms.* Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.

(3) *Separate set of forms for each chemical.* Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD-602) for each.

(4) *Information at top of form.* In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under "WPB Order No.", specify "M-243"; indicate month and year during which deliveries covered by the application are to be made; under "Unit of measure", specify "pounds", except in the case of acetic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) *Grade (percent) of acetic acid.* In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

(6) *Listing of customers.* In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) *Primary product and end use.* In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or

products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-a, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945."

(8) *Small orders.* It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use. Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) *Use by producers.* Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) *Table II.* Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Distributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) *Recovered acetic acid.* In the case of recovered acetic acid show such acid separately from other acetic acid in Table II. If necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B—SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-600)

(1) *Obtaining forms.* Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.

(2) *Number of copies.* Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to use, no copy should be sent to a producer or distributor.

(3) *Separate set of forms for each chemical.* A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(4) *Material.* In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the case may be; under "WPB Order No.", specify "M-243"; under "Unit of measure", specify

"Pounds", except in the case of acetic acid, where specify "Pounds of 100% acetic acid".

(5) *Month and year.* In the heading, at top of Table I, specify the month and year for which delivery is requested.

(6) *Grade (percent) of acetic acid.* Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

(7) *Quantities.* In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) *Primary product.* In Column 3, applicant must specify in terms of the following the product or products in the manufacture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

Aspirin.
Cellulose acetate.
Cellulose acetate butyrate.
Cellulose acetate propionate.
Explosives.
Synthetic casein fibre.
Synthetic vitamins.
Triacetin.
Other primary products (specify).
Resale (as acetic anhydride).
Export (as acetic anhydride).
Inventory (as acetic anhydride).

(For acetic acid)

Acetic anhydride.
Drugs and pharmaceuticals.
Dyestuffs.
Amyl acetate.
Butyl acetate.
Ethyl acetate.
Isopropyl acetate.
Photographic products.
Sodium acetate.
Vinyl acetate.
Other primary products (specify).
Resale (as acetic acid).
Export (as acetic acid).
Inventory (as acetic acid).

(For acetaldehyde)

Acetic acid.
Butadiene.
Pentaerythritol.
Other primary products (specify).
Resale (as acetaldehyde).
Export (as acetaldehyde).
Inventory (as acetaldehyde).

(9) *End use.* In Column 4 (except in the case of acetaldehyde), applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, specify in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate propionate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and isopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol).

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Lease requisition or contract numbers when available:

Dyestuffs.
Explosives.
Leather tanning and processing.
Mordant.
Paint pigment.
Photographic film.
Other film (specify).
Plastics.
Rubber accelerators.
Solvents.
Surface coatings.

Synthetic resins (specify type and state end use if not under allocation).

Textile bleaching.

Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export license number, unless Lend-Lease, in which case merely specify the Lend-Lease requisition or contract number.

Opposite "Resale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

In the case of acetaldehyde, show primary products to be manufactured but do not specify end use to which such primary products will be put.

(10) *Tables II, III and IV.* Fill out Tables II, III and IV completely.

(11) *Table V.* In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

APPENDIX C—CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the [specify whether acetic anhydride, acetic acid or acetaldehyde] ordered for delivery in _____, 194__, will be used

month
by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

	Pounds	Primary product	End use ¹
(A)	-----	-----	-----
(B)	-----	-----	-----

Name of Purchaser

By _____
Date _____ Duly Authorized Official Title _____

¹For acetaldehyde, see (5) below.

Instructions for customer's certificate

(1) The certificate shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.

(2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.

(3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.

(4) Under "End use" (except as provided in paragraph (5)) purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in

each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for resale as such will leave blank the "End use" column.

(5) Purchasers ordering acetaldehyde will leave blank the column headed "End use".

[F. R. Doc. 44-815; Filed, January 15, 1944; 11:02 a. m.]

PART 3293—CHEMICALS

[Allocation Order M-363]

CARBON TETRACHLORIDE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of carbon tetrachloride for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3293.571 Allocation Order M-363—

(a) *What this order does.* This order provides for the allocation of carbon tetrachloride from all producers and distributors except distributors who sell carbon tetrachloride only in quantities of a drum or less to each customer per month.

A customer must file certified statements of end use with his purchase orders when ordering more than 700 pounds of carbon tetrachloride for delivery by all suppliers in any calendar month.

A one-time base period and inventory report on Form WPB-3442 is due January 20, 1944.

Suppliers must apply on Form WPB-2947 (formerly PB-602) for authorization for use or delivery of carbon tetrachloride on or after February 1, 1944.

(b) *Definitions.* (1) "Carbon tetrachloride", sometimes known as tetrachloromethane, means the chemical CCl₄.

(2) "Drum" means a container with a capacity of approximately 52 gallons (700 pounds of carbon tetrachloride).

(3) "Supplier" means any person who produces carbon tetrachloride or who purchases carbon tetrachloride for resale. The term "supplier" shall not include any person who resells exclusively in quantities of a drum or less per customer per month.

Requirements for suppliers

(c) *Restrictions on delivery.* (1) On and after February 1, 1944, no supplier shall deliver carbon tetrachloride to any person except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(2) Authorization to each supplier for deliveries of carbon tetrachloride will be made on the following basis:

Deliveries to customers ordering 7,000 pounds or more during any month must be individually authorized; deliveries to customers ordering between 700-7,000 pounds per month will be authorized on the basis of end uses stated in the customers' certificates and a lump sum will be allocated to each end use for such or-

ders without specifying individual customers' names; deliveries to customers ordering 700 pounds (one drum) or less will be authorized by allocating a lump sum for such small orders without specifying individual customers' names and without reference to end use.

(3) Carbon tetrachloride which cannot be delivered as authorized or directed shall revert to inventory subject to further allocation.

(d) *Restrictions on use.* On and after February 1, 1944, no supplier shall use carbon tetrachloride, except as specifically authorized in writing by the War Production Board, upon application pursuant to Appendix A.

(e) *Suppliers to notify customers of denial of applications.* Each supplier shall notify his customer as soon as possible of denial in whole or in part by the War Production Board of any item or items on a certified purchase order placed by the customer.

Requirements for Customers

(f) *Requirement for filing certificates with purchase orders.* Each person ordering more than 700 pounds of carbon tetrachloride in the aggregate for delivery by all suppliers during February, 1944, or during any calendar month thereafter, shall furnish each supplier with a use certificate in accordance with Appendix C.

(g) *Use of allocated carbon tetrachloride.* Each person furnishing a use certificate with a purchase order for carbon tetrachloride shall use the carbon tetrachloride only as specified in the certificate, unless advised by his supplier that a particular specified use has been denied by the War Production Board or unless otherwise specifically authorized in writing by the War Production Board. However, any person not a supplier may redeliver carbon tetrachloride to a supplier without restriction.

(h) *One-time customer's report.* Each person (excluding governmental departments or agencies, but including producers who consume part of their own production) shall file a report in accordance with Appendix B on or before the 20th day of the month preceding the first month for which he has ordered delivery of 7,000 pounds or more of carbon tetrachloride.

This report need be filed only once, and not earlier than January 20, 1944.

Other Provisions

(i) *Exemption for intermediate brokers and sales agents.* Application and specific authorization shall not be required for the participation by a broker or sales agent in either of the following cases:

(1) When carbon tetrachloride is ordered through the broker or sales agent and is to be delivered by the supplier directly to the purchaser and not to the broker or sales agent for redelivery to the purchaser;

(2) When carbon tetrachloride is sold by a supplier through an agent who is required to submit the customers' purchase orders to the supplier for approval.

In either of the above cases, the purchaser shall furnish the broker or sales

agent with a purchase order and use certificate, which certificate the broker or sales agent shall transmit to the supplier. The supplier shall then apply in accordance with Appendix A as if the order had been placed directly with him.

(j) *Special directions.* The War Production Board, at its discretion, may at any time issue special directions with respect to:

(1) Use, delivery or acceptance of delivery of carbon tetrachloride; or

(2) Production of carbon tetrachloride; or

(3) Preparation and filing of forms and certificates required by Appendices A, B, and C, subject to approval of the Bureau of the Budget when required by the Federal Reports Act of 1942.

(k) *Miscellaneous provisions.*—(1) *Applicability of regulations.* This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(3) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C. Ref: M-363.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

APPENDIX A—INSTRUCTIONS TO PRIMARY SUPPLIERS FOR FILING FORM WPB-2947

Each supplier seeking authorization to use or deliver carbon tetrachloride shall file application on Form WPB-2947 (formerly PD-602), in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form WPB-2947 (formerly PD-602). Copies may be obtained at local field offices of the War Production Board.

Time of filing. Applications shall be filed in time to ensure that copies will have reached the War Production Board on or before the 15th day of the month preceding the month for which authorization to use or deliver is requested.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three copies (one certified) shall be sent to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-363.

Heading. Under name of material, specify carbon tetrachloride; under War Production Board order number, specify M-363; leave grade space blank; specify pounds as unit of measure; specify proposed delivery month; and otherwise fill in as indicated.

Table I (Application to deliver). First, in Column 1 list customers ordering 7,000 pounds or more for delivery during the next

month, in Column 1-a enter each use stated in the certificate filed by each customer, and in Column 4 specify quantity ordered by each customer for each use; second, specify in Column 1 "Between 700-7,000 pound orders", without specifying customers' names, in Column 1-a group the end uses stated in the certificates filed with these orders, and in Column 4 specify the aggregate quantity ordered for each use; third, specify in Column 1 "700 pounds or less orders" without specifying customers' names, leave Column 1-a blank, and in Column 4 specify the aggregate quantity ordered or expected to be ordered. Fill in the other columns as indicated.

Table I (Application to use). If the applicant supplier is seeking authorization to use any part of his own production or stock of carbon tetrachloride, he shall apply as if the consuming part of his organization had filed a purchase order and use certificate with the production or distribution part of his organization (the actual filing of such an order and certificate is not necessary). For example, if he wishes to use 7,000 pounds or more during the next month, he should specify his own name, his proposed use and requested quantity in Columns 1, 1-a and 4; if he wishes to use between 700 and 7,000 pounds during the next month, he should not specify his own name, but opposite "Between 700-7,000 pound orders" in Column 1, and opposite his proposed end use in Column 1-a, should include in Column 4 the quantity which he requests for the specified use; or if he wishes to use 700 pounds or less during the next month, opposite "Less than 700 pounds orders" in Column 1, he should include in Column 4 the quantity which he requests, leaving Column 1-a blank. Fill in the other columns as indicated.

Rolling stock. Leave columns blank relating to rolling stock.

Table II. Each producer of carbon tetrachloride shall fill in all columns of this table as indicated. Distributors purchasing from producers for resale shall fill in Columns 8, 10, 12 and 13 and leave the other columns of this table blank. In Columns 10 and 13, suppliers shall enter only those stocks not authorized for use or delivery on the dates specified.

APPENDIX B—INSTRUCTIONS FOR FILING CUSTOMER'S ONE-TIME REPORT ON FORM WPB-3442

Each person (not including governmental departments and agencies, but including producers who consume part of their own production) shall file a report on Form WPB-3442 on or before the 20th day of the month preceding the first month in which he has ordered delivery of 7,000 pounds (10 drums) or more of carbon tetrachloride. Fill in the form as indicated, subject to the following instructions for the purpose of this order:

Form WPB-3442. Copies may be obtained at local field offices of the War Production Board.

Number of copies. Two copies shall be prepared, of which one shall be retained by the person reporting and one shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-363.

Number of sets. File separate sets of forms for plants or warehouses located or operated separately.

Heading. In space (1) specify carbon tetrachloride; in space (2) specify pounds; in space (3) specify Order M-363; and fill in spaces (4), (5), (6) and (7) as indicated. Check whether user, distributor, etc.

Table I. Fill in Column (a) as indicated; leave Column (b) blank; specify "6 months ending Dec. 31, '43" in the heading of Column (c) and fill in accordingly; and leave Columns (d), (e), (f) and (g) blank.

Table II. Leave Columns (a) and (d) blank; specify "January 1, 1943" in the

heading of Column (b) and "February 1, 1944" in the heading of Column (c) and fill in accordingly.

APPENDIX C—INSTRUCTIONS FOR FILING USE CERTIFICATES WITH PURCHASE ORDERS FOR MORE THAN 700 POUNDS (ONE DRUM) OR MORE PER MONTH FROM ALL SUPPLIERS

(1) Each person ordering a total aggregate of more than 700 pounds (one drum) of carbon tetrachloride from all of his suppliers for delivery during January 1944, or during any calendar month thereafter, shall furnish with each purchase order a certificate in substantially the following form:

(Insert statement of quantities of carbon tetrachloride required for each proposed primary product and end use, in accordance with instructions in paragraphs (3) and (4) below.)

The undersigned hereby certifies to the seller and to the War Production Board that the carbon tetrachloride covered by the accompanying purchase order will be used only as specified above, and that the quantity of carbon tetrachloride hereby ordered, together with all other quantities ordered for delivery in the same month, does/does not (strike out inapplicable word or words) exceed 7000 pounds.

Name of purchaser
By _____
(Signature & title of duly
authorized officer)

(2) Suppliers are requested to obtain certificates with respect to deliveries to be made during any calendar month not later than the 10th day of the preceding month. The above certificate need not be filed with the War Production Board. It shall be signed by an authorized official, either manually or as provided in Priorities Regulation No. 7. The standard certification of Priorities Regulation No. 7 may not be used unless a statement is added with respect to end use and whether all the orders of the customer for delivery in the same month do or do not exceed 7000 pounds.

(3) The primary product and end use description in the above certificate shall be specified as follows:

Quantity of carbon tetrachloride	Primary product	End use
-----	-----	-----
-----	-----	-----
-----	-----	-----

Primary product. Primary product should be specified as follows:

Degreasing compound.
Fire-extinguisher fluid.
Grain fumigant.
Fur fumigant.
Refrigerant (specify).
Hexachlorethane.
Dry cleaning fluid.
Spotting and cleaning fluid.
Drugs and pharmaceuticals (specify).
Other (specify).

End use. End use should be specified to indicate the disposition of each primary product, such as civilian, industrial (specify general use, such as munitions, auto servicing, etc.), food processing and laboratory use. Where the carbon tetrachloride or the product made from it is to be delivered directly to the Armed Services, or for Export, or on Lend-Lease, specify "armed services", or "Export", or "Lend-Lease", as the end use, without further end use description.

Resale. If the purchase is for resale, the purchaser shall leave blank the "primary product" space and as end use shall specify "authorized resale" or if ordering exclusively for resale on small orders of 700 pounds or

less, shall specify "resale in 700 pound or less lots".

(4) In the event that two or more end uses are involved in a single purchase order, the amount of carbon tetrachloride required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the primary supplier to advise his customers, by purchase order and item number, as to the action taken on the application to make delivery.

(5) A written purchase order placed by any department or agency of the United States Government pursuant to the Act of March 11, 1941 (Lend-Lease Act) shall, provided such purchase order specifies the Lend-Lease contract or requisition number, constitute a use certificate for the purpose of this order.

NOTE: Forms WPB-2947 and 3442, and the instructions in Appendices A, B and C of this order, have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

[F. R. Doc. 44-816; Filed, January 15, 1944; 11:02 a. m.]

PART 3302—SERVICE EQUIPMENT¹

[Limitation Order L-190, Schedules, as Amended Jan. 15, 1944]

SCALES, BALANCES AND WEIGHTS

§ 3302.22¹ *Schedules of Limitation Order L-190.* The following schedules are issued pursuant to the provisions of subparagraph (e) (4) of Limitation Order L-190, as amended.

SCHEDULE I—BABY-WEIGHING SCALES

No baby-weighing or nursery scales shall be fabricated or assembled, except scales which conform to the following specifications:

1. No manufacturer shall manufacture any model of baby-weighing or nursery scales other than the one which, of all models manufactured by him during 1942, contains the least amount of steel by weight per scale, exclusive of the tray.

2. No manufacturer shall manufacture any baby-weighing or nursery scales containing any copper or copper-base alloys.

3. No manufacturer shall equip any baby-weighing or nursery scales with metal trays fabricated after April 29, 1943.

SCHEDULE II—RAILWAY TRACK SCALES

"Railway track scales" means scales for weighing railway cars in interchange service, excluding hot ladle scales, bar mill scales, plate scales, charging scales, mine car scales, wheel load scales, tippie scales, and any other scales normally produced for other purposes, even though equipped with rails. After October 24, 1943, no railway track scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture any railway track scales, except scales designed for weightrails which are either 42 feet, 50 feet, 60 feet, or 72 feet in length.

(2) No person shall manufacture any railway track scales with rated sectional capacities other than 30, 50, 60, 75, 100, 150 or 200 tons per section.

(3) No person shall manufacture any weighbridges for railway track scales requiring the use of more metal by weight than the American Railway Engineering Association specifications for weighbridges for

weightrails of the lengths permitted in Specification No. 1.

(4) No person shall manufacture a railway track scale having a lever system other than the one which, of all those previously manufactured by him in accordance with American Railway Engineering Association specifications for scales of the same capacity, contains the least weight of material.

(5) No person shall manufacture any railway track scales other than four section scales.

SCHEDULE III—MOTOR TRUCK SCALES

The reason for issuing this schedule is to reduce the quantity of scarce materials consumed in the manufacture of motor truck scales to the lowest practicable amount. The War Production Board does not mean to suggest that scales made under this schedule will be as durable as scales containing larger quantities of materials. After October 24, 1943, no pit type motor truck scales, other than grain dump scales, shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture any sizes of scales other than the seven listed in the following table. The lever system and weighbridge adopted for each specified platform size must be the one which contains the least amount of materials by weight for the corresponding lever capacity which the manufacturer has been accustomed to manufacture and rate as specified:

Size number	Platform size	Lever capacity
		Tons
1.....	22 feet by 9 feet.....	15
2.....	24 feet by 10 feet.....	20
3.....	34 feet by 10 feet.....	20
4.....	34 feet by 10 feet.....	30
5.....	40 feet by 16 feet.....	30
6.....	45 feet by 10 feet.....	50
7.....	60 feet by 10 feet.....	50

(2) No person shall fabricate weighbridges to support concrete decks for use with pit type motor truck scales.

SCHEDULE IV—PORTABLE BEAM SCALES

"Portable beam scales" means only scales which are normally equipped with wheels and which use a weighbeam as the indicating element. After October 24, 1943, no portable beam scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales which conform to the following specifications:

(1) No person shall manufacture more than five models of portable beam scales. The principal specifications of the models permitted are listed in the following table. The capacity specified refers to maximum indicating capacity in pounds avoirdupois, including tare capacity, if provided, and the total value of counterpoise weights, if provided. Maximum and minimum platform dimensions are stated for each model. No manufacturer shall make more than one platform size within the size limits specified. For use with each listed model a manufacturer may make not more than three models of weighbeams—a full capacity weighbeam, a single weighbeam for use with counterpoise weights, and a weighbeam with tare bar for use with counterpoise weights. Each of these three models of weighbeams may be graduated in the avoirdupois system, in the metric system, in a foreign system, or any two systems. If graduated in other than the avoirdupois system, the capacity shall be the nearest practicable equivalent of the avoirdupois capacity specified. Model No. 2 and model

¹ Formerly Part 3051, § 3051.2.

No. 3 may be made with or without wheels, but the pillar, cap and platform center must be of wood.

Model No.	Capacity	Platform dimension adjacent to pillar	Other platform dimension
1.....	1,000 lbs.	16" to 18"	24" to 27"
2.....	2,000 lbs.	23" to 25"	31" to 33"
3.....	2,000 lbs.	43" to 44"	33" to 35"
4.....	3,000 lbs.	23" to 27"	32" to 35"
5.....	4,000 lbs.	30" to 32"	38" to 41"

SCHEDULE V—ROLLING MILL SCALES

"Rolling mill scales" means only beam type rolling mill scales normally equipped with wheels. After October 24, 1943, unless specifically authorized by the War Production Board in writing, no person shall manufacture more than one model of rolling mill scales. This model shall have a capacity of 10,000 pounds avoirdupois, shall be made only with one lever system, and shall be made with one size of main platform. The latter restriction does not apply to super-platforms or racks.

SCHEDULE VI—PORTABLE DIAL SCALES

After October 24, 1943, no portable dial scales normally equipped with wheels shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with platforms measuring 21 inches adjacent to the column by not less than 29 inches or more than 30 inches.

SCHEDULE VII—DIALS

"Dial scales" means only scales having pendulum actuated head mechanisms, but does not include crane scales. After October 24, 1943, no dials for new dial scales shall be fabricated or assembled without specific authorization of the War Production Board in writing except dials which have a reading line with a diameter of either 20 inches, or not more than 15 inches nor less than 14 inches.

SCHEDULE VIII—SELF-CONTAINED FLOOR SCALES

"Self-contained floor scale" means a scale enclosed and supported by its own frame, manufactured as a complete weighing unit, and designed primarily for installation with the platform surface at floor level. Self-contained floor scales include so-called "dormant" scales, and for purposes of this schedule include "fulcrum stand" scales, in which the fulcrum stands are held in fixed position by means of tie-rods. After October 24, 1943, no self-contained floor scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with skeleton frame, wood box or fulcrum stand construction.

SCHEDULE IX—BUILT-IN FLOOR SCALES

"Built-in floor scales" means scales manufactured without a frame supporting and containing the lever system, and designed primarily for installation upon a prepared foundation with the platform surface at floor level. Built-in floor scales include "two-section" scales other than motor-truck scales. After October 24, 1943, no built-in floor scales shall be fabricated or assembled without specific authorization of the War Production Board in writing, except scales with wood platforms.

Issued this 15th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-808; Filed, January 15, 1944;
11:02 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-478]

JAMES A. GAVIN & SONS, INC.

James A. Gavin & Sons, Inc., a New Jersey corporation located at 310 Main Street, Paterson, New Jersey, is engaged in selling paint and associated products through stores located in Paterson, Jersey City, and Hackensack. During the third quarterly period of 1943 (July 1 to October 1), it violated Limitation Order L-219 by receiving merchandise of a value of \$24,876 in excess of its allowable receipts for July and August alone. The corporation was familiar with the provisions of Limitation Order L-219 and the violation must be deemed wilful.

This excessive receipt of merchandise has hampered and impeded the war effort of the United States. In view of the foregoing, it is hereby ordered, that:

§ 1010.478 *Suspension Order No. S-478.*

(a) James A. Gavin & Sons, Inc., its successors or assigns, during the first quarterly period of 1944 (January 1 to April 1) shall compute its allowable receipts of consumers' goods in accordance with paragraph (d) (1) of Consumers' Goods Inventory Limitation Order L-219 as a controlled merchant whose mercantile inventory is greater than its inventory limit at the beginning of any quarterly period under and shall conform to paragraph (d) (1), (d) (2) and (e) of Consumers' Goods Inventory Limitation Order L-219; it shall not during the first quarter of 1944 receive consumers' goods in excess of 75% of the amount thus computed under paragraph (d) (1) of Consumers' Goods Inventory Limitation Order L-219, unless hereafter specifically authorized by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve James A. Gavin & Sons, Inc., its successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect on January 15, 1944, and shall expire on April 1, 1944.

Issued this 8th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-839; Filed, January 15, 1944;
4:23 p. m.]

PART 3286—MISCELLANEOUS MINERALS¹

[Conservation Order M-302, as Amended
Jan. 17, 1944]

OSMIUM

§ 3286.71¹ *Conservation Order M-302—*
(a) *Definitions.* For the purposes of this order:

(1) "Osmium" means the element osmium in commercially pure form, or the osmium content of any osmium-containing material containing 0.5 percent or

¹ Formerly Part 3223, § 3223.1.

more of osmium metal by weight, other than an osmium alloy, whether or not such material is first converted into osmium metal. The term includes mixtures and compounds. Natural osmiridium is deemed to be an osmium bearing material and not an osmium alloy.

(2) "Osmium alloy" means any alloy containing 0.5 percent or more of osmium metal by weight.

(3) "Process" means to fabricate, assemble, alloy, mix, melt, cast, extrude, roll, turn, spin, or otherwise shape, but does not include the smelting or refining of osmium ore or scrap for the production of sponge metal.

(4) "Put into process" means the first change by a consumer in the form, shape, or size of material from that in which it is received by him.

(5) "Supplier" means any person who sells or offers for sale, or who delivers, osmium or osmium alloys to consumers.

(6) "Consumer" means any person who uses osmium or any osmium alloy by incorporating it physically or chemically in the products or parts thereof which he manufactures, or who uses or consumes osmium or any osmium alloy in any manufacturing, laboratory, testing, plating, or repairing process.

(7) "Implements of war" means combat end products, complete for tactical operations (including, but not limited to, aircraft, ammunition, armament, weapons, ships, tanks, and military vehicles), and any parts, assemblies, and materials to be incorporated in any of the foregoing items which are produced for the Army or the Navy of the United States, the Maritime Commission, the War Shipping Administration, or for any foreign government pursuant to the act approved March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), where the use of any osmium or osmium alloys to the extent employed is required by the latest issue of government specifications (including performance specifications unless otherwise directed by the War Production Board) applicable to the contract, subcontract, or purchase order. The term does not include facilities or equipment used to manufacture the foregoing items.

(b) *Restrictions on use of osmium.* On and after April 16, 1943, no person shall put into process or process any osmium, exclusive of an osmium alloy, except for the purpose of manufacturing or alloying an osmium alloy for use in implements of war.

(c) *Restrictions on use of osmium alloys manufactured or alloyed prior to April 16, 1943.* On and after April 16, 1943, except for use in implements of war, no person shall put into process any osmium alloy manufactured or alloyed prior to April 16, 1943, in any calendar quarter in excess of 1/8 of the aggregate amount by weight of all osmium alloys put into process by him for all uses during the calendar year 1941.

(d) *Restrictions on use of osmium alloys manufactured or alloyed on or after April 16, 1943.* On and after April 16, 1943, no person shall put into process or process any osmium alloy manufactured

or alloyed on or after April 16, 1943, except for use in implements of war.

(e) *Prohibitions against sales or deliveries.* No person shall sell or deliver any osmium or osmium-containing material or osmium alloy or products thereof in the form of raw materials, semi-processed materials, finished parts, or sub-assemblies to any person if he knows or has reason to believe such material or product thereof is to be used in violation of the terms of this order.

(f) *Limitation on inventories.* No consumer shall receive delivery of any osmium, osmium-containing material, osmium alloy, or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material in quantities which in either case shall result in an inventory of raw, semi-processed, or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of osmium, osmium-containing material, osmium alloy, or products thereof, by this order.

(g) *Reports—(1) Quarterly report.* Beginning with the calendar quarter ending March 31, 1944, each supplier, each consumer, and each person owning at any time in any calendar quarter stocks of osmium or osmium alloy not incorporated in finished items or parts thereof, shall file Form WPB-2582 (formerly PD-846) with the War Production Board on or before the 15th day of the month following such calendar quarter.

(2) *Federal Reports Act of 1942.* The reporting requirements of this order have received the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) *Miscellaneous provisions—(1) Appeal.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(2) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of osmium and osmium alloy in all items manufactured after April 16, 1943, irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to such date. Insofar as any other order of the War Production Board may have the effect of limiting or curtailing to a greater extent than herein provided, the use of osmium or osmium alloys in the production of any item, the limitations of such other order shall be observed.

(3) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Miscellaneous

Minerals Division, Washington 25, D. C. Ref.: M-302.

(5) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

Issued this 17th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-869; Filed, January 17, 1944;
11:40 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Interpretation 1]

COTTON TEXTILE DISTRIBUTION

The following interpretation relates to General Conservation Order M-317 as amended December 24, 1943:

1. Q. Is the denim direction of May 21, 1943, superseded by Order M-317?

A. No. It will continue in effect until expressly revoked in writing.

2. Q. Where a person is given a rating in a preference rating schedule to obtain a particular fabric for a specified end use, is it necessary for that person actually to apply to the War Production Board for the right to use that rating?

A. No. The ratings given by these schedules are assigned in the order and may be applied without application.

3. Q. May a jobber use an AA-5 preference rating to acquire pillow cases in anticipation of business which he expects to get from a hospital?

A. No. The jobber has no rating to use until he receives rated orders from the hospital (user). Only after he has received such an order does the jobber have any rating which he can extend.

4. Q. Suppose, before December 24, 1943, when the order was amended, a spinner of sewing twine had on his books an unfilled and unrated order from a manufacturer of textile bags. Would the manufacturer be allowed to apply an AA-2X preference rating to the remainder of that already placed order?

A. Yes. In Group 1 of the AA-2X preference rating schedule, a processor (manufacturer) is given that rating for sewing twine to be used in the manufacture of textile bags. The rating may be used by him for that purpose, both in connection with unshipped balances of sewing twine orders as well as subsequent orders.

5. Q. Under Group I of the AA-2X preference rating schedule a bag manufacturer is given this rating to obtain flat duck to be used in the manufacture of bags, but he is not given a preference rating to buy this fabric to make tarpaulins. Is he allowed to use flat duck in the manufacture of tarpaulins?

A. Yes. Although the order does not give the bag manufacturer a rating to obtain flat duck to be made into tarpaulins, he is not prohibited from buying flat duck without a preference rating for that purpose. The mill may sell flat duck without a rating to the

tarpaulin manufacturer so long as it does not interfere with the filling of rated orders.

6. Q. Does the fact that a particular use or end product is not included in a preference rating schedule mean that no cotton textile may be used for that particular purpose?

A. No. Preference ratings have been given to certain classes of persons to obtain specified cotton textiles for important uses which are described in the preference rating schedules. However, the cotton textiles mentioned in the preference rating schedules or any other cotton textiles may be used for any purpose unless prohibited by Column VI of the distribution schedules of this order or by some other order of the War Production Board.

7. Q. An AA-2X preference rating is given to a manufacturer to obtain window shade cloth for military maps (Group 24). No rating is given in the preference rating schedules to a window shade manufacturer. Does this mean that the window shade manufacturer must obtain a rating in order to get window shade cloth or that he is not allowed to purchase window shade cloth?

A. No. It merely means that a preference rating is not given to him.

8. Q. Is a cotton mill which normally dyes and sanforizes its own production of gray goods for the purpose of sale to manufacturers of work clothing required to accept a rated order for gray sheeting from a bag manufacturer?

A. Yes. Since a work clothes manufacturer has a rating of AA-4 and the bag manufacturer is given a rating of AA-2X, the gray goods must be sold to the bag manufacturer on the AA-2X rating rather than dyed and sanforized for sale to the work clothes manufacturer.

9. Q. A priority is given by the AA-4 preference rating schedule, Group 1, to a manufacturer to obtain fabrics for men's and boys' work clothing. Does work clothing mean anything the manufacturer deems to be work clothing?

A. No. Work clothing is that kind of apparel which is generally recognized and accepted in the trade as work clothing. The rating to be used properly must be used for the special purpose of manufacturing work clothing, and the manufacturer of work clothing must conform with L-181.

10. Q. Are the descriptions of the fabrics listed in Column II, Group 1, of Preference Rating Schedule AA-4 intended to include fabrics which are made wholly of combed or carded yarns or of combinations of both, such as twills or poplins?

A. Yes.

11. Q. When should the notations specified in paragraph (d) of M-317 be used and when should the notations specified in paragraph (b) of Order M-328 be used?

A. If the rating is received by virtue of a preference rating schedule of Order M-317 or by Form WPB 2842, the notations provided for in paragraph (d) of M-317 should be used. If the rating is given by another order or another form, the provisions in paragraph (b) of Order M-328 should be used.

12. Q. What ratings are given for diapers?

A. An AA-4 Preference Rating is given to converters and manufacturers to obtain cloth to be made into diaper cloth or diapers. An AA-5 Preference Rating is given to a hospital for the purchase of diapers.

The effect is that in purchasing diapers, a hospital uses an AA-5 preference rating which may be given to a manufacturer or to a jobber who in turn will pass it on to a manufacturer. This rating of AA-5 does not assist the manufacturer because he already has an AA-4 rating to obtain the fabric with which to make the diapers. It does, however, serve the purpose of giving priorities assistance to hospitals over other types of users.

13. Q. If a manufacturer of work gloves should receive an order from the Navy with

an AA-2X rating, may he extend the AA-2X rating to buy mitten flannel or must he use the AA-4 rating given for Group 2 of the AA-4 preference rating schedule?

A. Since he is purchasing that textile for incorporation into a product to be delivered to the Navy, he may use the AA-2X rating and is not required to use the AA-4 rating.

14. Q. The order in subparagraph (a) (2) refers to the United States. Does that mean only the 48 states?

A. For the purposes of this order, United States means not only the 48 states but all the territories and possessions of the United States.

15. Q. Is a Canadian bag manufacturer given a preference rating by any Preference Rating Schedule?

A. No. In the AA-2X preference rating schedule, Group 1, a processor is given that rating for bagging fabrics to make bags. Only a domestic manufacturer is meant. The definition of "processor" relates only to a person engaged in the United States in the business of manufacturing.

16. Q. From where do ratings for export orders come?

A. A rating is given in connection with the granting of export licenses by the Foreign Economic Administration (Office of Economic Warfare). A rating is also given in connection with Treasury Department purchases for the Foreign Economic Administration (Lend-Lease and OFRRO). Canadian importers are being granted ratings by the Canadian Division of the War Production Board in Montreal, Canada, operating in conjunction with the Canadian War-time Prices and Trade Board. All the ratings are AA-5.

17. Q. Can a domestic exporter or a Canadian importer use the ratings of the Preference Rating Schedules?

A. No.

18. Q. Does the order prohibit shipment without a rating to a Canadian purchaser who made a contract prior to December 24, 1943?

A. Yes it does. However, the Canadian purchaser may apply to the Cotton Administrator, War-time Prices and Trade Board, Aldred Building, Montreal, for a preference rating.

19. Q. Must the purchaser for export show on his order any export license or serial number or any WPB serial number?

A. No export license or export serial number need be stated on his order. However, if a rating is assigned by Form WPB 2842, the serial number of that form must be inserted in the notation required by paragraph (d) of M-317.

20. Q. Do the restrictions of Column VI of the distribution schedules apply even to goods produced or ordered before December 24, 1943, the date of amendment?

A. Yes. The Column VI restrictions apply no matter when the goods were produced, converted or ordered, and they apply to the producer, intermediate processor, processor, merchant and user. However, the Columns III, IV and V provisions cover only the producer (mill), and relate only to goods produced on and after January 1, 1944, regardless of the date they were ordered.

21. Q. Do the percentages in the distribution schedules apply separately to each construction?

A. No. They apply by groups to all the constructions covered by the respective Column I item numbers. For example, Items 76 thru 81, and 83 in Column I of the Carded Gray Goods Distribution Schedule refer to "other plain print cloths, except bandage cloths" and it is required that 40% be delivered against rated orders. This does not mean 40% of each and every fabric produced by the mill, but 40% of the aggregate yardage of the constructions fitting into those categories.

22. Q. In the Carded Gray Goods Distribution Schedule (Items 46, 47 and 48, 49) referring to bed sheetings 42" and wider (including made up sheets and pillow cases), the requirement is that at least 10% be delivered against rated export orders. May this obligation be satisfied by delivery, in whole or in part, of yard goods (gray or bleached) as well as sheets and pillow cases?

A. Yes. The total yardages are interchangeable. Paragraph (a) (1) defines cotton textiles to include gray or finished fabrics as well as bed sheets and pillow cases.

23. Q. Is a mill which produces soft-filled sheeting and converts it into suede subject to the minimum rated percentages under soft-filled sheetings (Items 12 and 13, Carded Gray Goods Distribution Schedule) as well as the percentages for moleskins and suedes (Item 135)?

A. Yes. Inasmuch as the mill produces both soft-filled sheetings and suedes it must comply with the minimum percentage requirements as to both. However, the suede which is sold on rated export and other rated orders can be credited against the minimum requirements for the delivery of soft-filled sheeting.

24. Q. Are remnants to be excluded from the total of a mill's production for the purposes of the percentages in Columns III, IV and V of the distribution schedules?

A. No. They are to be treated the same as seconds and shorts for the purpose of the distribution schedules.

25. Q. Are seconds and shorts to be considered as part of the mill's total production for the purposes of Columns III, IV and V?

A. Yes. In making calculations a mill's entire production must be considered, including seconds, shorts and remnants. When the Column IV percentage is 100, the privilege is given to the mill to dispose of seconds, shorts or remnants without ratings if no rated orders are available. But if rated orders are presented for seconds, shorts or remnants, those orders must be accepted.

26. Q. Is the mill bound by the provisions in Columns III and IV of the Distribution Schedules even if the rated business is not offered to it?

A. Yes. This does not mean, however, that the War Production Board will grant ratings for uses of cotton textiles which have not heretofore been rated. The percentages in Columns III and IV have been set at levels to cover the quantities of rated business available for each group of fabrics. It, therefore, becomes necessary that each mill actually obtain the specified quotas of rated orders, although the result of this requirement will be that in certain instances mills will be unable to accept their accustomed amount of unrated business.

27. Q. In the heading of each distribution schedule there is a provision which states that if receipt of an order which is rated higher than a previously accepted rated order would result in having more rated orders than the Column V percentage, then the lowest rated order shall be displaced and it may be filled only from that percentage applicable to a subsequent quarter. Does this mean that producers cannot sell their yardage against ratings in excess of the percentage specified in Column V?

A. If after the seller has received the specified quantity of rated orders, another order rated lower than those already accepted is offered to him he may refuse it or he may accept it. This is a case where he is allowed to exceed the Column V percentage with rated orders.

If the newly offered order is rated higher than those he has already accepted, he must accept it, and it must displace the lowest rated order. This is a case where he is not allowed to exceed the Column V percentage with rated orders.

28. Q. The distribution schedules differentiate "bandage cloths" from other types

of print cloth. The Preference Rating Schedules do not refer to "bandage cloths". Are "bandage cloths" included in the preference rating schedules?

A. Yes. Print cloths include bandage cloths. They are sub-divided in the distribution schedules, but are not sub-divided in the preference rating schedules.

29. Q. Where Column VI in the Carded Gray Goods Distribution Schedule provides that plain print cloths, 80 sley and higher, "may not be used for export", does that mean that a garment made of such goods may not be exported?

A. Yes. The restriction applies not only to the export of the fabric named in Column II but also to the use of the fabric in any product being produced for export. Furthermore, that restriction controls not only the mill, but also the converter, jobber and cutter.

30. Q. Suppose rated export orders, exceeding the percentage specified in Column III, are presented. Must the mill accept them?

A. Yes. Those rated orders must be accepted to the extent of the Column V percentage.

31. Q. If a mill is making only one construction of "other plain print cloths, except bandage cloths" (Carded Gray Goods Schedule, Items 76 thru 81, 83) namely 38½" 64 x 60 5.35 yard to meet special quality standards, for which he receives an AA-2 preference rating from an insulating tape manufacturer, is he obliged to deliver 10% for export?

A. Yes. Since Column III specifies 10% as the portion of his production which must be delivered against rated export orders, the mill is obliged to comply unless relieved upon appeal.

32. Q. Does a mill, which is required to deliver a minimum of 10% of its production of Class B sheetings against rated export orders satisfy the requirement by shipments on ratings to a domestic bag manufacturer who will manufacture those goods into bags which will be exported?

A. No. The requirement is that the specified minimum percentage must be delivered against rated orders in the form of a cotton textile. In the case given, the bag manufacturer's order to the mill is not an export, but a domestic order. Only the bags are covered by an export order.

33. Q. Does delivery of cotton textile to a garment manufacturer who could certify that the garment to be made therefrom is to be exported fulfill the export requirement?

A. No. The provision of Column III of the distribution schedules showing the minimum percentage which must be delivered against rated export orders means rated export orders for a cotton textile and not for a finished product which is not a cotton textile, such as the garment. It is to be noted that when the cotton textile is to be exported, paragraph (d) requires a notation to that effect to be placed by the purchaser on the purchase order.

34. Q. Where a percentage is not specified in Column III of distribution schedules, is the processor relieved of any obligation to accept rated export orders?

A. No. Unless there is a prohibition against export in Column VI, rated orders, export or otherwise, must be accepted up to the Column V percentage. The omission of a percentage in Column III merely indicates that the processor is not required to deliver a minimum percentage against rated export orders.

Issued this 17th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-870; Filed, January 17, 1944; 11:40 a. m.]

Chapter XI—Office of Price
Administration

PART 1407—RATIONING OF FOOD AND FOOD
PRODUCTS

[RO 16, Amdt. 98]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order 16 is amended in the following respects:

1. A new section 15.7 is added to read as follows:

SEC. 15.7 Retailers may apply for allowable inventory adjustments—(a) *How to apply.* A retailer who finds that his allowable inventory is inadequate (other than because of seasonal variations) may apply for an increase. He must apply on OPA Form R-315, to the board with which he is registered. The application must give the following information:

- (1) The amount of his allowable inventory;
- (2) The net point gain or loss in the applicant's point inventory caused by the addition of items to or removal of items from the foods covered by this order;
- (3) The sum of items (1) and (2), or the difference if item (2) represents a point loss;
- (4) The reasons why he claims that his allowable inventory is inadequate; and
- (5) The amount of the increase which he needs.

(b) *Action by board if adjusted allowable inventory would be 1500 points or less.* If the board finds that the retailer's allowable inventory is inadequate and that the sum of items (3) and (5) in paragraph (a) is not more than 1500 points, it may grant the application for the additional amount which it finds he needs, but not more than the amount requested. If the retailer does not have any excess inventory, the board shall issue to him a certificate for the amount of the increase granted. If he has an excess inventory which is less than the increase, the board shall cancel the excess inventory and issue a certificate for the difference. If the retailer's excess inventory is equal to or greater than the increase, the board shall reduce the excess inventory by the amount of the increase.

(c) *Temporary increase if adjusted allowable inventory would be more than 1500 points.* If the sum of items (3) and (5) in paragraph (a) is more than 1500 points, the board may not act upon the application but must send it, and any other information received, to the district office for action. The board may attach its recommendation as to the amount of the temporary increase to be granted. The district office may grant the retailer a temporary increase for the amount which it finds he needs to get

adequate stocks for the next six calendar weeks. It shall then return the file to the board. When the amount of the temporary increase has been determined by the district office, the board shall issue to the retailer a certificate or reduce the retailer's excess inventory, or both, in the way described in the last paragraph.

(d) *Final action.* If the retailer is given a temporary increase under paragraph (c) he must keep a record of his sales and transfers (other than exchanges, and transfers to another of his retail establishments) during the six calendar weeks after he received the increase. Within one week after the end of this period, he must report the point value of such transfers. The board shall divide this amount by two. If the resulting figure is more than the figure stated in item (3) in paragraph (a), the difference (or the amount requested by the retailer, whichever is less) is to be granted as a permanent increase in the retailer's allowable inventory. If the amount of the increase is more than the sum of any certificate issued and excess inventory cancelled under paragraph (c), the board shall issue a certificate for the difference. If the amount of the increase is less than that sum, the difference is excess inventory, and the retailer must give up points to the Office of Price Administration in the way required in section 6.6 (e).

2. A new section 15.8 is added to read as follows:

SEC. 15.8 Retailers and wholesalers may apply for temporary adjustments because of seasonal variations—(a) *How to apply.* A retailer or wholesaler may apply for a temporary increase in his allowable inventory because of seasonal variations in his business. He must apply on OPA Form R-315 to the board with which he is registered. The application must give the following information:

- (1) The amount of his allowable inventory;
- (2) The net point gain or the net point loss in the applicant's point inventory caused by the addition of items to or the removal of items from the foods covered by this order;
- (3) The sum of items (1) and (2), or the difference if item (2) represents a point loss;
- (4) The reasons why he needs the increase;
- (5) The period during which he needs the increase;
- (6) If he is a retailer, the average weekly amount of his sales and transfers of foods covered by this order, in pounds, during the same period in 1942, multiplied by 15. If he is a wholesaler, 75% of his average weekly sales and transfers, in pounds, during the same period in 1942, of foods in each of the three classes specified in § 1407.3027 (b) of Revised Supplement 1 to this order, multiplied by the factor fixed for that class;

(7) The amount of the increase which he needs.

(b) *Action on application.* If the board finds that the applicant's allowable inventory will be inadequate during the period for which the increase is requested, and that the sum of items (3) and (7) in paragraph (a) does not exceed 20,000 points, it may grant the application for the amount which it finds he needs but not more than the amount requested. However, in no event may the board grant under this section more than the amount by which item (6) exceeds item (3). If the sum of items (3) and (7) exceeds 20,000 points, or if the applicant requests an increase which is more than the maximum amount which the board may grant under this section, or if the applicant is unable to furnish the information required by item (6) because he was not in operation during that period, the board may not act upon the application, but must send it to the district office for action. It may attach its recommendation as to the amount of the temporary increase to be granted. The district office shall determine what action should be taken and return the file to the board. When the amount of the temporary increase has been determined by the local board or the district office, as the case may be, the board shall issue a certificate for such amount, if the applicant has no excess inventory. If the applicant has an excess inventory which is less than the increase, the board shall cancel the excess inventory and issue a certificate for the difference. If the applicant's excess inventory is equal to or greater than the increase, the board shall reduce the excess inventory by the amount of the increase. Within 15 days after the close of the period for which the increase is granted, the applicant must report to the board and give up points equal to the total of any certificate issued and excess inventory reduced or cancelled under this section. If he is unable to give up all the points within the fifteen days, the balance is excess inventory and the provisions of sections 5.6 (e) or 6.6 (e), as the case may be, apply.

This amendment shall become effective January 19, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-N, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

*Copies may be obtained from the Office of Price Administration.

8 F.R. 13128, 13394.

[F. R. Doc. 44-782; Filed, January 14, 1944; 4:02 p.m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RPS 32, Amdt. 10]

PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 32 is amended in the following respect:

1. In §§ 1347.61 (a) and (b), and 1347.62 (a), (b) and (c), footnotes 4, 5, and 6 are amended by changing the date "January 14, 1944" to read "February 7, 1944", and by changing the date "January 15, 1944" to read "February 8, 1944".

This Amendment No. 10 to Revised Price Schedule shall become effective January 14, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 14th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-781; Filed, January 14, 1944;
4:02 p. m.]

PART 1306—IRON AND STEEL

[RPS 41, Amdt. 10]

STEEL CASTINGS AND RAILROAD SPECIALTIES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Price Schedule No. 41 is amended in the following respects:

1. A new § 1306.104 is added to read as follows:

§ 1306.104 *Taxes.* As to any tax upon, or incidental to, sales or deliveries of steel castings or railroad specialties imposed by any statute of the United States or statute or ordinance of any state or subdivision thereof, if the statute or ordinance imposing such tax does not prohibit the seller from stating and collecting the tax separately from the purchase price, and the seller does separately state it, the seller under this Revised Price Schedule may collect, in addition to the maximum price, the amount of the tax actually paid by him or an amount equal to the amount of tax paid by any prior vendor and separately stated and collected from the seller by the vendor from whom he purchased.

2. Section 1306.105 is amended to read as follows:

§ 1306.105 *Records and reports.* (a) Every producer making sales of steel

*Copies may be obtained from the Office of Price Administration.

7 F.R. 1264, 2000, 2132, 2740, 3182, 8948; 8 F.R. 3524, 4187, 5838, 11291, 14811, 15607.

castings or railroad specialties and every person making purchases from a producer, shall keep for inspection by the Office of Price Administration for a period of not less than two years, or as long as the Emergency Price Control Act of 1942, as amended, shall be in effect, whichever period is shorter, complete and accurate records of every purchase or sale. In the case of producers such records shall show the quantity of steel castings or railroad specialties sold from each pattern and the price charged and received; furthermore where extras, other than those on pages 64, 65 and 66 of the Comprehensive Report, are applicable and charged each such extra and the charge therefor shall be shown separately.

(b) Persons affected by Revised Price Schedule No. 41 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

3. Paragraph (c) of § 1306.109 is amended to read as follows:

(c) "Steel castings" means any cast steel object, whether rough or machined, that has been initially cast in the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totalling not more than 8%. It means and includes such cast steel objects where other materials have been cast integrally therewith and also means two or more steel castings assembled by welding. It does not mean (1) railroad specialties as defined in Appendix B (§ 1306.113), (2) steel castings sold in an assembly with materials other than bolts, nuts, screws, rivets or other industrial fastenings, and (3) steel castings sold as another commodity by a "regular manufacturer of such other commodity". For the purposes of this definition a producer of steel castings is considered a "regular manufacturer of such other commodity" when (i) he represents himself in the trade as a manufacturer of such other commodity through the issuance of catalogs, price lists, or advertising matter circulated generally through the trade and in which such commodity is designated by name, (ii) the commodity is offered for sale on a price per piece basis, and (iii) he owns the patterns used for the production of such other commodity.

4. Paragraph (b) of § 1306.112 is amended to read as follows:

(b) *Industrial steel castings, other than freight car and locomotive castings, made by a producer on or before July 15, 1941.* The term "industrial steel castings" means and includes all steel castings other than armor, navy, ordnance and ship and marine castings. The maximum prices for each producer for industrial steel castings, other than freight car and locomotive castings, made by such producer on or before July 15, 1941, or for steel castings substantially similar in design and specification thereto shall be the prices, together with extras, terms and conditions, which were or customarily would have been charged

by such producer on July 15, 1941: *Provided*, That (1) in no case where his maximum prices are computed on a delivered basis need a producer compute such prices on the basis of a freight allowance in excess of 50 cents per hundred pounds; (2) machining charges shall be ascertained in accordance with § 1306.112 (a) (8) except in the case of machined steel castings customarily sold by the producer on July 15, 1941, on a per piece price basis in which case the July 15, 1941, per piece price, adjusted for the difference in the machining costs used in the July 15, 1941, price and the March 31, 1942, machining costs shall apply; and (3) irrespective of a producer's customary July 15, 1941, practice with respect to the application of quantity differentials, quantity differentials may be applied on the basis of quantities ordered from one pattern at one time and scheduled for delivery in any one calendar month, except that where a production run overlaps a calendar month the quantity differential shall be determined by use of the quantity produced in such run.

5. The headnote to § 1306.112 (c) (1) (i) is amended to read "Other than freight car and locomotive castings" and the headnote to § 1306.112 (c) (1) (ii) is amended to read "Freight car and locomotive castings".

6. Section 1306.112 (c) (8) is amended to read as follows:

(8) *Machining.* The charges listed on pages 68 to 73, inclusive, of the Comprehensive Report for machining certain railroad castings may be added where specified, furnished and applicable. Such charges apply irrespective of whether or not the machining is performed by the selling producer or is subcontracted by him to an independent machine shop. Charges for other machining shall be determined in accordance with § 1306.112 (a) (8) and may be added where specified, furnished and applicable.

7. Section 1306.112 (d) (iii) is hereby deleted.

8. The schedule reference for Item No. 5324 of Table II of § 1306.112 is amended to read X-317R.

9. The schedule reference for Item No. 8133 of Table IV of § 1306.112 is amended to read X-317R.

10. The title of Table V of § 1306.112 is amended to read as follows: "Freight Car and Locomotive Castings (The schedules shown for classifications followed by the parenthetical designation (high tensile steel) include the extra for these physical requirements.)"

11. Table V of § 1306.112 is amended by adding items Nos. 6612 to 6713, inclusive, together with the following schedule references and classifications:

6612 X-333-R Freight car and ballast car—castings (standard gauge), N. O. C. B. N.
6613 X-321-R Freight car—castings (standard gauge), N. O. C. B. N. (high tensile steel).
6614 X-322-R Freight car—air brake—castings N. O. C. B. N.
6615 X-323-R Freight car—connectors.
6616 H-1-X Freight car—auto and box door fixtures.
6617 F-1-X Freight car—body bolster center braces.
6618 F-1-X Freight car—bolster center braces.
6619 F-1-X Freight car—bolster center fillers.

6620	A-1-X	Freight car—bolster center fillers (high tensile steel).
6621	F-1-X	Freight car—brake beam hanger brackets.
6622	I-1-X	Freight car—brake beam hangers (not brackets or supports).
6623	F-1-X	Freight car—brake beam support hanger castings.
6624	X-33-R	Freight car—brake heads.
6625	D-1-X	Freight car—brake mast gears.
6626	D-1-X	Freight car—brake mast pinions.
6627	X-323-R	Freight car—brake wheels.
6628	X-333-R	Freight car—buffer-castings.
6629	F-1-X	Freight car—buffer-castings (housing type).
6630	F-1-X	Freight car—buffer-stems.
6631	X-333-R	Freight car—bulk material container-castings, N. O. C. B. N.
6632	X-324-R	Freight car—bulk material container-trap door castings, N. O. C. B. N.
6633	X-324-R	Freight car—bulk material container-trap door frame castings.
6634	I-1-X	Freight car—carrier irons.
6635	I-1-X	Freight car—carriers.
6636	F-1-X	Freight car—center brace & rear draft lugs.
6637	F-1-X	Freight car—center braces.
6638	F-1-X	Freight car—center plate reinforcements & rear draft gear stops.
6639	F-1-X	Freight car—center plate supports.
6640	I-1-X	Freight car—center plates.
6641	X-321-R	Freight car—center plates (high tensile steel).
6642	X-330-R	Freight car—cheek plates or draft attachment side castings.
6643	X-324-R	Freight car—cheek plates or draft attachment side castings (high tensile steel).
6644	X-330-R	Freight car—column guides.
6645	X-330-R	Freight car—corner cap castings.
6646	X-321-R	Freight car—couplers to automatically connect steam, air or electric circuits.
6647	I-1-X	Freight car—coupler carriers.
6648	X-321-R	Freight car—coupler carriers (high tensile steel).
6649	X-325-R	Freight car—coupler carrier irons (for Duryea underframes).
6650	D-1-X	Freight car—coupler gear spring housings.
6651	I-1-X	Freight car—coupler supports.
6652	X-333-R	Freight car—dead blocks.
6653	X-330-R	Freight car—door opener castings.
6654	X-324-R	Freight car—door posts or jams.
6655	X-333-R	Freight car—draft arms.
6656	I-1-X	Freight car—draft gear carriers.
6657	F-1-X	Freight car—draft gear followers (Murray type).
6658	F-1-X	Freight car—draft gear followers (not including farlow follower for use with horizontal yoke draft attachment).
6659	X-324-R	Freight car—draft gear followers (high tensile steel).
6660	X-331-R	Freight car—draft gear followers (cast integrally).
6661	X-333-R	Freight car—draft gear center housings.
6662	H-1-X	Freight car—draft gear end caps or housings.
6663	X-333-R	Freight car—draft gear housings.
6664	X-87-R	Freight car—draft gear stops.
6665	X-87-R	Freight car—draft lugs.
6666	X-323-R	Freight car—draft lugs (high tensile steel).
6667	X-333-R	Freight car—drop door support filler castings.
6668	X-333-R	Freight car—end blocks.
6669	X-323-R	Freight car—end corner castings with or without push pole pockets.
6670	X-326-R	Freight car—end corner castings with or without push pole pockets (high tensile steel).
6671	X-333-R	Freight car—floor support angle brackets.
6672	X-323-R	Freight car—friction draft gear castings.
6673	D-3	Freight car—hand brake castings, N. O. C. B. N.
6674	X-22-R	Freight car—hand brake pawls, pawl-releases & handles.
6675	X-23-R	Freight car—hand brake-pinions.
6676	F-1-X	Freight car—hinges.
6677	X-330-R	Freight car—hinge butts.
6678	X-327-R	Freight car—journal boxes or cages-ball & roller bearing type.
6679	X-328-R	Freight car—journal boxes or cages-ball & roller bearing type (high tensile steel).
6680	X-332-R	Freight car—journal boxes or cages—ball & roller bearing type—covers, flingers, impellers or enclosures & spacers.
6681	X-329-R	Freight car—journal boxes or cages—ball & roller bearing type—covers, flingers, impellers or enclosures & spacers (high tensile steel).
6682	X-323-R	Freight car—journal boxes or cages—friction bearing type.
6683	X-333-R	Freight car—journal box tops, lids or covers.
6684	L-1-X	Freight car—journal box wedges (solid).
6685	X-330-R	Freight car—link & pin drawheads.
6686	D-1-X	Freight car—lugs—lifting—or books for railway freight containers.
6687	F-1-X	Freight car—push pole pocket castings, N. O. C. B. N.
6688	X-323-R	Freight car—push pole pockets with corner castings.
6689	X-333-R	Freight car—push pole pocket fillers.
6690	D-1-X	Freight car—ratchet wheels.
6691	X-326-R	Freight car—roof supporting end plates for cars with large end doors.

6692	F-1-X	Freight car—roping & jacking castings.
6693	I-1-X	Freight car—side bearings.
6694	X-321-R	Freight car—side bearings (high tensile steel).
6695	I-1-X	Freight car—side bearing blocks.
6696	I-1-X	Freight car—side bearing braces.
6697	X-321-R	Freight car—side bearing braces (high tensile steel).
6698	I-1-X	Freight car—side bearing housings.
6699	X-321-R	Freight car—side bearing housings (high tensile steel).
6700	I-1-X	Freight car—side bearing pockets.
6701	I-1-X	Freight car—side bearing stiffeners.
6702	X-321-R	Freight car—side bearing stiffeners (high tensile steel).
6703	X-324-R	Freight car—side sill reinforcing castings.
6704	X-333-R	Freight car—spring blocks & spring bands (for elliptical springs).
6705	X-330-R	Freight car—spring clips (for elliptical springs).
6706	F-1-X	Freight car—spring plates (for coil springs).
6707	F-1-X	Freight car—“stabilized lateral motion” (shock absorber) truck castings.
6708	X-333-R	Freight car—striking castings—all types.
6709	X-325-R	Freight car—striking castings—all types (high tensile steel).
6710	X-325-R	Freight car—striking castings for duryea underframes.
6711	H-1-X	Freight car—top corner filler castings.
6712	X-320-R	Freight car—truck columns—“U” & box section types.
6713	X-49-R	Freight car—vertical thimbles.

12. The schedule reference for Item 6730 of Table V of § 1306.112 is amended to read A-4.

13. The schedule references for Items Nos. 6749 and 6750 of Table V of § 1306.112 are amended to read C-4.

14. Schedules X-88R, X-112R, X-117R, X-312R and X-313R of Table VI of § 1306.112 are amended to read as follows:

X-88R	
Weight per piece (pounds):	One and over
1 to 5.....	.408
5 to 10.....	.323
10 to 25.....	.256
25 to 50.....	.207
50 to 100.....	.171
100 to 250.....	.146
250 to 500.....	.116
500 to 1,000.....	.106
1,000 to 2,500.....	.097
2,500 to 5,000.....	.091
5,000 to 10,000.....	.086
10,000 to 25,000.....	.084
25,000 to 50,000.....	.086
50,000 to 100,000.....	.091
Over 100,000.....	.097

X-112R	
Weight per piece (pounds):	
1 to 5.....	.408
5 to 10.....	.323
10 to 25.....	.256
25 to 50.....	.238
50 to 100.....	.196
100 to 250.....	.168

15. Table VI of § 1306.112 is amended by adding schedules X-22R, X-23R, X-33R, X-49R, X-87R and X-321R to X-333R, inclusive, to read as follows:

X-22R								
Weight per piece (pounds)	Number of pieces							
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 and over
1 to 2½.....	.407	.398	.377	.338	.296	.266	.234	.204
2½ to 5.....	.305	.298	.283	.253	.222	.199	.176	.153
5 to 10.....	.242	.235	.223	.199	.176	.157	.139	.130
10 to 25.....	.192	.187	.177	.158	.139	.124	.121	.115
Over 25.....	.154	.151	.144	.129	.112	.109	.105	.101

X-23R								
1 to 5.....	.407	.398	.377	.337	.296	.266	.234	.204
5 to 7½.....	.322	.314	.298	.266	.234	.209	.186	.178
7½ to 10.....	.247	.235	.223	.199	.176	.157	.139	.133
10 to 25.....	.192	.187	.177	.158	.139	.124	.121	.115
25 to 50.....	.154	.151	.144	.129	.112	.109	.105	.101
Over 50.....	.128	.124	.118	.105	.099	.096	.092	.089

X-33R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
5 to 10.....	.310	.303	.287	.256	.225	.201	.163	.147	.139
10 to 25.....	.246	.240	.227	.204	.179	.160	.132	.126	.122
Over 25.....	.199	.194	.185	.165	.145	.139	.116	.111	.108

X-49R

Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
10 to 25.....	.226	.221	.209	.187	.164	.137	.132	.126	.122
Over 25.....	.184	.179	.170	.151	.133	.119	.116	.111	.108

X-87R

Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
10 to 50.....	.192	.187	.177	.158	.139	.124	.121	.115	.110

X-321R

Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5.....	.447	.436	.413	.369	.324	.290	.257	.223	.212
5 to 10.....	.353	.344	.328	.291	.255	.229	.204	.194	.185
10 to 25.....	.281	.274	.259	.232	.204	.183	.176	.168	.161
25 to 50.....	.227	.221	.211	.187	.165	.159	.153	.147	.142
50 to 100.....	.187	.183	.173	.154	.145	.140	.136	.131	.126
100 to 250.....	.160	.156	.149	.136	.128	.124	.121	.116	.112
Over 250.....	.144	.140	.132	.125	.122	.118	.115	.111	.109

X-322R

Weight per piece (pounds)	Number of pieces					
	1 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 and over
1 to 5.....	.413	.392	.350	.307	.276	.243
5 to 10.....	.326	.310	.276	.242	.218	.193
10 to 25.....	.260	.246	.219	.193	.172	.166
25 to 50.....	.209	.199	.178	.156	.151	.145
50 to 100.....	.166	.158	.140	.132	.128	.124
100 to 250.....	.147	.140	.129	.122	.117	.113
250 to 500.....	.132	.126	.119	.116	.112	.109
Over 500.....	.121	.117	.115	.112	.109	.105

X-323R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5.....	.424	.413	.392	.350	.307	.276	.243	.212	.200
5 to 10.....	.335	.326	.310	.276	.242	.218	.193	.185	.176
10 to 25.....	.254	.250	.246	.219	.193	.172	.166	.159	.153
25 to 50.....	.215	.209	.199	.178	.156	.151	.145	.139	.135
50 to 100.....	.177	.172	.164	.146	.137	.132	.129	.124	.119
100 to 250.....	.152	.147	.140	.129	.122	.117	.113	.110	.106
Over 250.....	.136	.132	.126	.119	.116	.112	.109	.105	.102

X-324R

Weight per piece (pounds)	Number of pieces								
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5.....	.477	.467	.442	.394	.346	.311	.275	.239	.227
5 to 10.....	.378	.369	.349	.312	.274	.246	.218	.208	.198
10 to 25.....	.306	.293	.277	.248	.218	.194	.187	.180	.173
25 to 50.....	.242	.238	.225	.201	.177	.170	.164	.158	.152
50 to 100.....	.200	.194	.185	.165	.154	.150	.145	.140	.135
100 to 250.....	.171	.167	.159	.145	.137	.133	.129	.124	.119
Over 250.....	.153	.150	.142	.135	.131	.126	.123	.119	.116

X-325R

Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5.....	.506	.481	.451	.491	.432	.387	.343	.298	.283
5 to 10.....	.472	.460	.435	.388	.342	.305	.271	.260	.247
10 to 25.....	.373	.365	.345	.309	.271	.242	.232	.225	.215
25 to 50.....	.302	.295	.280	.250	.220	.212	.205	.197	.190
50 to 100.....	.249	.242	.230	.206	.193	.187	.180	.174	.168
100 to 250.....	.213	.208	.198	.181	.171	.165	.160	.154	.150
Over 250.....	.191	.187	.177	.167	.163	.158	.151	.149	.145

X-326R

Weight per piece (pounds)	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 to 249	250 to 499	500 to 999	1,000 and over
1 to 5.....	.714	.696	.660	.589	.517	.464	.410	.357	.338
5 to 10.....	.564	.550	.522	.466	.408	.366	.325	.311	.296
10 to 25.....	.447	.436	.413	.370	.325	.290	.280	.268	.257
25 to 50.....	.362	.353	.336	.300	.263	.254	.245	.235	.227
50 to 100.....	.298	.290	.276	.246	.230	.223	.216	.208	.201
100 to 250.....	.255	.249	.236	.218	.205	.198	.192	.185	.179
Over 250.....	.229	.223	.212	.200	.195	.188	.184	.178	.173

X-331R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 99	100 to 249	250 to 499
1 to 5	376	367	347	311	273	245
5 to 10	297	290	275	246	215	188
10 to 25	226	220	218	194	171	142
25 to 50	191	186	177	158	139	124
50 to 100	157	153	145	130	118	110
100 to 250	135	131	124	115	108	101
250 to 500	121	118	112	105	99	94
500 to 1,000	110	108	104	102	97	92
1,000 to 2,500	101	99	96	94	91	88
2,500 to 5,000	95	92	90	88	86	83
5,000 to 10,000	88	86	85	83	81	78
10,000 to 25,000	87	84	83	81	78	75
25,000 to 50,000	85	83	81	78	75	72
50,000 to 100,000	83	81	78	75	72	69
Over 100,000	81	78	75	72	69	66

X-332R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	477	467	442	394	346	311
5 to 10	378	369	349	312	274	246
10 to 25	300	293	277	248	218	194
25 to 50	242	238	225	201	177	158
50 to 100	200	194	185	165	145	130
100 to 250	171	167	159	145	137	125
250 to 500	153	150	142	135	129	123
500 to 1,000	140	136	133	129	125	122
1,000 to 2,500	129	125	122	118	116	112
2,500 to 5,000	121	117	115	111	108	105
5,000 to 10,000	115	111	109	105	102	99
10,000 to 25,000	111	108	105	102	99	96
25,000 to 50,000	111	108	105	102	99	96
50,000 to 100,000	111	108	105	102	99	96
Over 100,000	129	125	122	118	116	112

X-333R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	392	383	363	324	284	245
5 to 10	310	303	287	256	225	197
10 to 25	246	240	227	204	175	147
25 to 50	199	194	183	163	143	125
50 to 100	164	160	152	139	123	111
100 to 250	140	137	132	123	112	105
Over 250	135	132	127	119	110	101

16. The list of special features for bolsters and the extras therefor contained in § 1306.113 (a) (1) is amended to read as follows:

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	376	367	347	311	273	245
5 to 10	297	290	275	246	215	188
10 to 25	226	220	218	194	171	142
25 to 50	191	186	177	158	139	124
50 to 100	157	153	145	130	118	110
100 to 250	135	131	124	115	108	101
250 to 500	121	118	112	105	99	94
500 to 1,000	110	108	104	102	97	92
1,000 to 2,500	101	99	96	94	91	88
2,500 to 5,000	95	92	90	88	86	83
5,000 to 10,000	88	86	85	83	81	78
10,000 to 25,000	87	84	83	81	78	75
25,000 to 50,000	85	83	81	78	75	72
50,000 to 100,000	83	81	78	75	72	69
Over 100,000	81	78	75	72	69	66

17. The schedule of prices labelled "Truck Bolsters" contained in subpara-graph (1) of Table II of § 1306.113 is amended to read as follows:

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	376	367	347	311	273	245
5 to 10	297	290	275	246	215	188
10 to 25	226	220	218	194	171	142
25 to 50	191	186	177	158	139	124
50 to 100	157	153	145	130	118	110
100 to 250	135	131	124	115	108	101
250 to 500	121	118	112	105	99	94
500 to 1,000	110	108	104	102	97	92
1,000 to 2,500	101	99	96	94	91	88
2,500 to 5,000	95	92	90	88	86	83
5,000 to 10,000	88	86	85	83	81	78
10,000 to 25,000	87	84	83	81	78	75
25,000 to 50,000	85	83	81	78	75	72
50,000 to 100,000	83	81	78	75	72	69
Over 100,000	81	78	75	72	69	66

X-327R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	632	635	601	537	473	422
5 to 10	515	519	475	425	372	333
10 to 25	407	398	377	337	296	264
25 to 50	330	322	305	273	240	212
50 to 100	271	266	252	225	211	204
100 to 250	233	227	215	198	186	180
250 to 500	208	204	193	183	178	172
500 to 1,000	190	185	180	176	172	167
1,000 to 2,500	174	171	166	161	157	153
2,500 to 5,000	163	159	156	151	146	143
5,000 to 10,000	156	151	147	144	140	136
10,000 to 25,000	151	146	143	139	136	132
25,000 to 50,000	146	141	137	134	131	127
50,000 to 100,000	141	136	132	129	126	122
Over 100,000	136	131	127	124	121	117

X-328R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	941	918	870	783	682	612
5 to 10	744	725	688	613	539	483
10 to 25	590	576	545	487	428	384
25 to 50	477	468	442	394	346	315
50 to 100	393	384	364	324	285	261
100 to 250	337	329	311	287	259	238
250 to 500	302	295	280	254	227	212
500 to 1,000	275	268	251	225	208	193
1,000 to 2,500	253	247	230	208	193	178
2,500 to 5,000	236	230	213	193	178	163
5,000 to 10,000	218	212	195	175	160	145
10,000 to 25,000	205	200	183	163	148	133
25,000 to 50,000	192	187	170	150	135	120
50,000 to 100,000	179	174	157	137	122	107
Over 100,000	166	161	144	124	109	94

X-329R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	862	842	797	713	625	562
5 to 10	681	666	631	562	494	442
10 to 25	533	528	500	447	392	351
25 to 50	438	427	405	362	318	287
50 to 100	360	351	333	297	260	230
100 to 250	309	302	287	253	217	197
250 to 500	275	270	256	223	187	167
500 to 1,000	252	246	230	208	183	168
1,000 to 2,500	232	227	211	193	168	153
2,500 to 5,000	216	211	200	181	156	141
5,000 to 10,000	206	201	190	171	146	131
10,000 to 25,000	199	194	183	164	139	124
25,000 to 50,000	190	185	174	155	130	115
50,000 to 100,000	183	178	167	148	123	108
Over 100,000	176	171	160	141	116	101

X-330R

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	376	367	347	311	273	245
5 to 10	297	290	275	246	215	188
10 to 25	226	220	218	194	171	142
25 to 50	191	186	177	158	139	124
50 to 100	157	153	145	130	118	110
100 to 250	135	131	124	115	108	101
250 to 500	121	118	112	105	99	94
500 to 1,000	110	108	104	102	97	92
1,000 to 2,500	101	99	96	94	91	88
2,500 to 5,000	95	92	90	88	86	83
5,000 to 10,000	88	86	85	83	81	78
10,000 to 25,000	87	84	83	81	78	75
25,000 to 50,000	85	83	81	78	75	72
50,000 to 100,000	83	81	78	75	72	69
Over 100,000	81	78	75	72	69	66

Extra per casting any quantity
 Bolsters—Continued.
 Buffalo Safety Guard Construction—\$1.50
 Perfect Safety Guard Slots—2 Slots
 per Truck Bolster—75
 For each additional 2 Slots per Truck Bolster—75
 17. The schedule of prices labelled "Truck Bolsters" contained in subpara-graph (1) of Table II of § 1306.113 is amended to read as follows:

Weight per piece (pounds)	Number of pieces					
	1 to 3	4 to 9	10 to 24	25 to 49	50 to 99	100 and over
1 to 5	376	367	347	311	273	245
5 to 10	297	290	275	246	215	188
10 to 25	226	220	218	194	171	142
25 to 50	191	186	177	158	139	124
50 to 100	157	153	145	130	118	110
100 to 250	135	131	124	115	108	101
250 to 500	121	118	112	105	99	94
500 to 1,000	110	108	104	102	97	92
1,000 to 2,500	101	99	96	94	91	88
2,500 to 5,000	95	92	90	88	86	83
5,000 to 10,000	88	86	85	83	81	78
10,000 to 25,000	87	84	83	81	78	75
25,000 to 50,000	85	83	81	78	75	72
50,000 to 100,000	83	81	78	75	72	69
Over 100,000	81	78	75	72	69	66

TRUCK BOLSTERS

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
	Pounds					
4 1/4" x 8"	650	\$64.60	\$60.80	\$59.00	\$55.20	\$49.25
5" x 9"	745	71.80	67.20	65.25	60.80	54.05
5 1/4" x 10"	815	77.60	72.80	70.20	65.40	58.00
6" x 11"	1,000	93.70	87.15	83.55	77.15	69.80
6 1/2" x 12"	1,200	112.40	104.65	100.20	92.60	84.00

18. Subparagraph (2) of Table II of § 1306.113 is amended to read as follows:

(2) Furnished in High Tensile Steel.

TRUCK BOLSTERS

[The prices shown below cover cast steel truck bolsters with center plates and side bearings cast integral, or arranged for application of separable center plates or side bearings]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
	Pounds					
4 1/4" x 8"	545	\$72.40	\$68.15	\$66.10	\$61.85	\$55.15
5" x 9"	575	80.45	75.35	73.05	68.15	60.55
5 1/4" x 10"	620	86.95	81.60	78.70	73.30	65.00
6" x 11"	790	105.00	97.70	93.65	86.45	78.25
6 1/2" x 12"	960	126.00	117.25	112.13	103.80	94.15

19. The schedule of prices in subparagraph (1) of Table III of Section 1306.113 for "Incomplete Type 'E' MCB Coupler and Coupler Body Prices—Type 'E'" is amended to read as follows:

INCOMPLETE TYPE "E" AND M. C. B. COUPLER AND COUPLER BODY PRICES—TYPE "E"

A. A. R. Standard Type "E" Coupler Bodies Only: Without fittings:	Per pair
5 x 7 x 6 1/2"	\$42.45
5 x 7 x 9 1/2"	43.75
6 1/4 x 8 x 6 1/4", Rigid Shank	47.20
6 1/4 x 8 x 6 1/4", Swivel Shank	47.20
	Per piece
Locomotive, Short Shank	\$27.60

20. The title of Table IV of § 1306.113 is amended to read as follows: "Rigid yokes (for swivel yokes see Table III)."

21. Subparagraph (2) of Table IV of § 1306.113 is amended to read as follows:

(2) Furnished in High Tensile Steel.

Schedule "F"—Covering Standard and Conventional Light Weight Yokes of High Tensile Steel. Horizontal Key Type for Freight Cars and Locomotive Tenders providing Friction Draft Gear Pocket 9 1/4" x 24 3/8", for use with 6" x 1 1/2" key and standard 6" x 8" "D" and 6 1/2" x 8" "E" Couplers, and meeting A. A. R. test requirements for tensile steel.

(Per pr.)	(Per pr.)	(Per pr.)
\$38.65	\$35.45	\$30.45

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-819; Filed, January 15, 1944; 11:48 a. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS
[MPR 848; Amdt. 81]

LOGS AND BOLTS

A statement of the considerations involved in the issuance of this Amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 348 is amended by the inclusion of Appendix B, Table 1 and Appendix O, Table 1.

APPENDIX B

TABLE 1

Area. The area covered by this table is the same as that covered in Maximum Price Regulation 146, Appalachian Hardwood Lumber.

The Appalachian Hardwood Region as defined in Maximum Price Regulation No. 146, comprises:

The Counties of Garrett, Allegany, Washington and Frederick in the State of Maryland;

The Counties West of and not including the Counties of Fairfax, Prince William, Stafford, Culpeper, Orange, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, Pittsylvania, and Henry in the State of Virginia;

The Counties West of and not including the Counties of Stokes, Yadkin, Iredell, Catawba, Lincoln and Gaston in the State of North Carolina;

The Counties of Greenville, Pickens and Oconee in the State of South Carolina;

The Counties of Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns in the State of Georgia;

The Counties East of and not including the Counties of Cumberland, Russell, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Bath, Fleming, Lewis and Greenup in the State of Kentucky;

In the State of Tennessee all counties east of the west boundary of the Counties of Pickett, Fentress, Morgan, Roane, Rhea, and along the western boundary of Hamilton County to the intersection with the Nashville, Chattanooga and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia State Line; and the entire State of West Virginia.

Species. The following commercial species: Yellow poplar (*Liriodendron tulipifera*), chestnut oak (*Quercus montana*), beech (*Fagus grandifolia*), chestnut (*Castanea dentata*), hard maple (*Acer saccharum*), soft maple (*Acer rubrum*), sweet gum (*Liquidambar styraciflua*), tupelo gum (*Nyssa aquatica*), black gum (*Nyssa sylvatica*), butternut (*Juglans cinerea*), walnut (*Juglans nigra*), sycamore (*Platanus occidentalis*), hemlock (*Tsuga canadensis*), white pine (*Pinus strobus*), loblolly pine (*Pinus taeda*), and short-leaf pine (*Pinus echinata*).

and all other botanical species of the following genera:

Oak (*Quercus*), ash (*Fraxinus*), basswood (*Tilia*), birch (*Betula*), buckeye (*Aesculus*), cherry (*Prunus*), hickory (*Hicoria*), magnolia (*Magnolia*), elm (*Ulmus*), and pine (*Pinus*)

and all other commercial hardwood species. Scaling Rules. All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured at the small end of the log, inside the bark, and at the smallest diameter. Fractions of an inch below 1/2 inch

shall be counted back to the next lower diameter inch, while fractions of an inch above 1/2 inch may be raised to the next higher inch. (Thus a log 14.4 inches would be 14" and a log 14.6" may be 15"). If the fraction of an inch is exactly 1/2 inch, it may be counted as of the nearest even inch. (Thus 13 1/2 inches would be counted as 14", and 14 1/2 inches would be counted as 14").

All unsound and unusable wood must be deducted by allowance in measurement. The defects for which full allowance must be made in measurement include hollows or large holes, rot, dote, windshake, large or excessive worm holes, damage in felling by drawn splinters, rotten and wormy sap, and crooks.

Logs are to be cut in standard even lengths unless otherwise specified by the buyer. The minimum length accepted at the full ceiling prices shall be 8 feet. Logs shorter than 8 feet in length can be purchased under the conditions given below.

All logs must be cut at least 4 inches over length to allow for trim. Logs that are not at least 4 inches over the specified length will be scaled as of the next lower even length.

Grade Specifications. Clear grade—minimum diameter 24". All logs 24" and over in diameter must be clear of all visible defects. Sound sap knots 1" and less in diameter will not be considered as a defect in this grade. A rot or dote 4" in diameter or less, located in the center of the log will not degrade the log but deduction for defect must be made in scaling the log.

Select Grade—minimum diameter 16". Logs 16" to 23" in diameter must be clear of all defects. Logs 24" and over in diameter must have at least 3 clear faces or have 75 per cent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter for logs 24" and over and up to 3" in diameter for logs 16" to 23" in diameter will not degrade the log but full deduction for the defect must be made in scaling.

#1 Grade—minimum diameter 12". Logs 12" to 15" in diameter must be clear of all visible defects. Logs 16" to 23" in diameter must have at least 3 clear faces or 75 per cent of the length clear in one continuous section. Logs 24" and over in diameter must have at least 2 clear faces or have at least 50 per cent of the length clear in one continuous section. Sound sap knots 1" or less in diameter will not be considered as a defect in this grade. A rot or dote in the center of the log up to 4" in diameter for logs 24" and up, up to 3" in diameter for logs 16" to 23", and up to 2" in diameter for logs 12" to 15" in diameter will not degrade the log, but full deduction must be made for the defect when scaling the log.

#2 Grade—minimum diameter, hardwood 12", Pine 8". This grade shall include all sound logs above the specified diameter limits that are better than a cull and that do not grade as a #1 log.

A Cull shall be considered as any log where the net board foot scale after deductions have been made for defects, contains less than 50 per cent of the gross board foot scale.

Woodsrun Grade shall consist of hardwood and Cypress logs 12" and up in diameter, and Pine logs 8" and up in diameter as produced from the forest that are better than culls and from which no selection of large-sized or high-quality logs has been made. If any large-sized or high-quality logs have been removed from the run of logs, the remaining logs must be sold at prices no higher than the #2 grade prices if ungraded, or at the applicable grade prices if graded. When any small sized or low quality logs have been

*Copies may be obtained from the Office of Price Administration.

18 F.R. 3670, 5163, 5565, 6356, 8751, 9515, 10023, 11214.

removed from the run of logs, the remaining logs may still be sold at the woodsrun price.

Grade specifications for ship timber logs and bending oak timber logs. Ship Timber Logs—minimum diameter 20 inches, must be fresh cut, sound to the center, free from splits and not less than 18 feet in length. Logs do not have to be straight but will permit a bow one way. These timbers may have one standard knot for every 4 feet of length. A standard knot shall be considered as a sound knot 4" or less in diameter.

Bending Oak Timber Logs—minimum diameter 20 inches, must be straight, fresh cut, sound to the center, free of all visible defects and not less than 18 feet in length. Twisted growth or swelled butts will not be accepted.

MAXIMUM PRICES
[Per M feet log scale]

Species	Clear	Select	No. 1	No. 2	Woods Run
Yellow Poplar.....	\$70	\$50.00	\$35.00	\$20	\$28.00
Red Oak.....	60	42.50	32.50	20	27.50
White Oak.....	70	50.00	37.50	20	29.00
Chestnut Oak.....	45	35.00	27.50	18	25.00
Birch.....	55	40.00	30.00	18	25.00
Basswood.....	60	40.00	30.00	20	27.50
Beech.....	50	32.50	22.50	18	21.00
Cherry.....	50	40.00	30.00	20	25.00
Chestnut.....	50	40.00	30.00	20	23.00
Hard Maple.....	60	45.00	32.50	20	25.00
Soft Maple.....	50	40.00	30.00	19	24.00
Ash ¹	55	40.00	27.50	18	25.00
Gum.....	50	35.00	25.00	18	23.00
Hickory ¹	45	35.00	27.50	19	22.00
Sycamore.....	45	35.00	25.00	15	22.00
Buckeye.....	45	35.00	25.00	20	25.00
Magnolia.....	60	45.00	35.00	20	25.00
Butternut.....	35.00	25.00	18	22.00	
Yellow Pine.....				20.00	
White Pine.....				25.00	
Hemlock.....				22.00	
Elm.....				25.00	
Walnut ¹				30.00	
Other Hardwoods.....				21.00	

¹ If sold in conjunction with other species. Ceiling prices for Walnut, Ash, and Hickory when purchased on an individual selection basis will be set forth in other Appendices of the Regulation.

WHITE OAK SHIP TIMBERS
[Per M feet log scale]

Length (feet)	Diameters			
	20"-23"	24"-26"	27"-28"	29" and up
18.....	\$47	\$57	\$67	\$77
20.....	49	59	69	79
22.....	52	62	72	82
24.....	56	66	76	86
26.....	61	71	81	91
28.....	66	76	86	96
30.....	71	81	91	101
32.....	76	86	96	106
34.....	81	91	101	111
36.....	86	96	106	116
38.....	91	101	111	121
40.....	96	106	116	126
42.....	101	111	121	131
44.....	106	116	126	136
46.....	111	121	131	141

For Bending Oaks add \$10 per M to above figures.

CHESTNUT OR POST OAK SHIP TIMBERS
[Per M feet log scale]

Length (feet)	Diameters			
	20"-23"	24"-26"	27"-28"	29" and up
18.....	\$37	\$42	\$47	\$62
20.....	39	44	49	64
22.....	43	48	53	68
24.....	46	51	56	71
26.....	51	56	61	76
28.....	56	61	66	81

¹ Add \$5 per M for every 2 feet addition in length. For bending Oaks add \$10 per M to above figures.

The above prices are to prevail for logs f. o. b. cars at rail sidings; f. o. b. barge at towable waters; or delivered to mill by truck from a distance of 25 miles or less. If logs are delivered to the mill from a distance in excess of 25 miles a sum not to exceed 10 cents per M ft. may be added for every additional load mile.

If logs are purchased in lengths less than 8', the above ceiling prices must be reduced by at least 10 per cent for all logs purchased on a grade basis. No deduction will be necessary if shorter logs are purchased on a woods run basis.

APPENDIX O—WALNUT SPECIAL LOGS

TABLE I

Area. The area covered by this Amendment is the same as that covered in Maximum Price Regulation 146, Appalachian Hardwood Lumber.

The Appalachian Hardwood Region as defined in Maximum Price Regulation No. 146, comprises:

The Counties of Garrett, Allegany, Washington and Frederick in the State of Maryland;

The Counties West of and not including the Counties of Fairfax, Prince William, Stafford, Culpeper, Orange, Louisa, Fluvanna, Buckingham, Appomattox, Campbell, Pittsylvania, and Henry in the State of Virginia;

The Counties West of and not including the Counties of Stokes, Yadkin, Iredell, Catawba, Lincoln and Gaston in the State of North Carolina;

The Counties of Greenville, Pickens and Oconee in the State of South Carolina;

The Counties of Rabun, Habersham, White, Lumpkin, Union, Fannin and Towns in the State of Georgia;

The Counties East of and not including the Counties of Cumberland, Russell, Casey, Lincoln, Garrard, Madison, Clark, Montgomery, Bath, Fleming, Lewis and Greenup in the State of Kentucky;

In the State of Tennessee all counties east of the west boundary of the Counties of Pickett, Fentress, Morgan, Roane, Rhea, and along the western boundary of Hamilton County to the intersection with the Nashville, Chattanooga and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia State Line; and

The entire State of West Virginia.

Species. Walnut (*Juglans nigra*) logs (sold on an individual or selected basis). For walnut logs sold in conjunction with other species, see Table 1 of Appendix B.

Scaling rules. All logs are to be scaled with the Doyle Log Rule. The diameter shall be measured at the small end of the log, inside the bark, and at the smallest diameter. Fractions of an inch below $\frac{1}{2}$ inch shall be counted back to the next lower diameter inch, while fractions of an inch above $\frac{1}{2}$ inch may be raised to the next higher inch. (Thus a log 14.4 inches would be 14" and a log 14.6 may be 15"). If the fraction of an inch is exactly $\frac{1}{2}$ inch, it may be counted as of the nearest even inch. (Thus 13 $\frac{1}{2}$ inches may be counted as 14", and 14 $\frac{1}{2}$ inches may be counted as 14").

All logs must be cut at least 4 inches over length to allow for trim. Logs that are not at least 4" over the specified length will be scaled as of the next lower even length.

Grade specifications. Prime logs must be butt logs only, fresh cut from live timber, sound, straight and free of all defects and excessive sap. Logs are to be 12" and larger at the small end; must be 8' and longer. Two thirds of all logs 12" to 15" in diameter to be 10 feet and longer.

Select logs will admit:

(a) Butt logs 12" and up, 8' and up; must have three clear faces; no unsound defects admitted.

(b) Clear butt logs 6' and 7', 16" and larger.

(c) Second cuts 12" and up, 8' and up, clear of all defects.

(d) Slight crook if otherwise prime.

Sap: on both Prime and Select Logs all sapwood in excess of $1\frac{1}{2}$ inches on each side of the heart shall be measured off in taking the diameter.

#2 Logs will admit:

(a) Logs 12" and up, 8' and up; must run 65% 10" and up. Must have 2 clear faces or better.

(b) Clear butt logs 12" to 15" and 6' to 7' in length.

(c) Any log 6'-7', 16" and up with 3 clear faces or better.

Cull logs. All logs which will not meet above specifications are cull logs. Exceptions: Logs with ring shake, worm holes, bird peck or bark growth have no classification and shall have no value.

Logs are to be graded as found and no part of log is to be raised in grade unless cut off before inspection. Logs must be piled so they can be rolled over and all sides inspected.

The following are the defects which must be considered in both grading and scaling of Walnut Logs:

Knots, worms, cat faces or blind knots, splits, dote, double heart, crooks, shake, iron or wire, ring hearts, frost cracks, stump shots, lightning streaks, ingrown bark and bird pecks.

MAXIMUM PRICES

WALNUT LOGS¹

[Per M feet log scale]

Diameter (inches)	Prime 12'-16'	Prime 8'-11'	Select 6'-16'	No. 2 6'-16'	Culls
12-13.....	\$70	\$70	\$45	\$25.00	\$20
14-15.....	80	80	50	25.00	20
16.....	90	90	50	30.00	20
17.....	105	90	50	30.00	20
18-19.....	125	110	60	30.00	20
20-21.....	150	125	70	32.00	20
22-23.....	175	150	80	35.00	20
24-27.....	250	200	90	40.00	20
28-31.....	300	250	100	42.50	20
32 and up.....	350	300	110	45.00	20

¹ These prices prevail for Walnut logs not purchased in conjunction with other species but purchased on an individual basis.

These prices are f. o. b. rail cars at rail siding or delivered to the mill by truck.

This amendment shall become effective January 21, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-820; Filed, January 15, 1944; 11:45 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 119, Amdt. 8]

ORIGINAL EQUIPMENT, TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 3509, 8936, 8948; 8 F.R. 3941, 7280, 8751, 10725, 14984, 16280.

Section 1315.1451 (i) is amended by substituting in that paragraph the phrase "the effective date of an amendment or regulation setting maximum prices for sales of such tires and tubes" for "January 15, 1944".

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E. O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-821; Filed, January 15, 1944;
11:44 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 415, Amdt. 5]

CERTAIN FEDERAL GOVERNMENT PURCHASES OF NEW RUBBER TIRES AND TUBES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1 (a) is amended by substituting in that paragraph the phrase "the effective date of an amendment or regulation setting maximum prices for sales of such tires and tubes" for "January 15, 1944".

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-822; Filed, January 15, 1944;
11:44 a. m.]

PART 1389—APPAREL

[MPR 506]

MANUFACTURERS' PRICES FOR STAPLE WORK GLOVES

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 506 has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In the judgment of the Price Administrator the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

§ 1389.604 *Manufacturers' prices for staple work gloves.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942,

as amended, and Executive Orders No. 9250 and No. 9328, Maximum Price Regulation No. 506 (Manufacturers' Prices for Staple Work Gloves) which is annexed hereto, is hereby issued.

AUTHORITY: § 1389.604 issued under Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION NO. 506—MANUFACTURERS' PRICES FOR STAPLE WORK GLOVES

CONTENTS

Sec.

1. Scope of this regulation.
2. How to find manufacturers' ceiling prices.
3. When taxes may be added.
4. Records and invoices.
5. Excessive prices forbidden.
6. Adjustable pricing agreements.
7. Licensing and enforcement.
8. Relation to other regulations.
9. How this regulation may be amended.
- Appendix A—Tables of manufacturers' ceiling prices.
- Appendix B—Suggested form to be used in applying for ceiling prices under section 2 (b).

SECTION 1. Scope of this regulation. This regulation fixes maximum prices for manufacturers' sales of specified staple work gloves.

(a) *Kinds of work gloves covered.* The specified staple work gloves covered by this regulation are work gloves of the following kinds:

- (1) Single thickness canton flannel gloves.
- (2) Canton flannel gloves with double thickness palm.
- (3) Fully-lined canton flannel gloves.
- (4) Two-thumbed canton flannel gloves.
- (5) Jersey gloves.
- (6) Gloves with leather palm and canton flannel back.

"Gloves" means both gloves and mittens.

(b) *Kinds of sales covered.* This regulation applies only to manufacturers' sales. Wholesalers' and retailers' sales are not covered. Under this regulation, a manufacturers' sale is a sale of work gloves by a person:

- (1) Who fabricated the gloves sold; or
- (2) Who sold or consigned to the fabricator of the gloves any of the principal materials from which they were made; or
- (3) Whose business is under the same ownership or control as the person who fabricated the gloves.

(c) *Where this regulation applies.* This regulation covers sales in the 48 states and the District of Columbia.

Sec. 2. How to find manufacturers' ceiling prices.—(a) *Work gloves specified in Appendix A.* For the work gloves specified in Appendix A, a manufacturer's ceiling prices are those stated in that appendix.

(b) *Other work gloves covered by this regulation.* For work gloves covered by this regulation but not specified in Appendix A, a manufacturer's ceiling prices are those authorized by the Office of Price Administration, on application by the manufacturer.

An application for the fixing of a ceiling price must be filed with the Office of Price Administration (Men's Clothing Section), Washington 25, D. C., in three copies. The application must contain information in the detail indicated by the suggested form in Appendix B, and must be accompanied by a sample of the glove.

Pending action on such an application, a person must not sell or deliver the glove except in accordance with the provisions of section 6 (b) ("Adjustable pricing agreements").

SEC. 3. When taxes may be added. When a tax on a particular sale or delivery is imposed by a statute or ordinance which permits stating the tax separately from the price, the tax may be separately charged or collected in addition to the ceiling price. This applies only to sales taxes, gross receipts or gross proceeds taxes, and compensating use taxes, and does not apply to any tax imposed on a prior sale or delivery.

SEC. 4. Records and invoices. (a) Every manufacturer of staple work gloves must prepare a list of all staple work glove items which he delivers on or after January 21, 1944. This list must show the style number of each such work glove, and, following each style number, a description of the glove and the manufacturer's ceiling price. The description, like the descriptions in Appendix A, should specify cut or pattern, weight, and kind of materials used, thickness of glove, type of wrist, additional features (if any), and size classification. This record must be prepared on or before February 5, 1944 and must be kept up to date thereafter by adding any new numbers or any changes in the description of old numbers. This list must be kept and made available on request to the Office of Price Administration.

(b) *Invoices.* Every manufacturer selling staple work gloves must give the purchaser an invoice showing the lot number of gloves sold and the price charged.

SEC. 5. Excessive prices forbidden. On and after January 21, 1944, the following practices are forbidden regardless of any contract or other obligation:

(a) *Charging more than ceiling price.* Every person is forbidden to sell or deliver any staple work gloves at a price higher than the ceiling price set by this regulation. A lower price may, of course, be charged.

(b) *Buying for more than the ceiling price.* Every person is forbidden to buy or receive any staple work gloves, in the course of trade or business, at a price higher than the price set by this regulation.

(c) *Combination sales.* Every person is forbidden to require any purchaser to buy or agree to buy any other article, service, package or wrapper, in connection with the sale or delivery of any staple work gloves. But any manufacturer may refuse to sell less than a minimum quantity of any one style number, if this minimum has been customary for the seller.

(d) *Indirect price increases.* Every person is forbidden to do any other act which directly or indirectly increases above the ceiling price the consideration paid by the purchaser for any staple work gloves. Any practice which is a device to secure the effect of a higher than ceiling price is as much a violation as an outright raising of the ceiling price. This applies to devices making use of commissions, services, transportation charges, premiums, taxes, special provisions, ty-

*Copies may be obtained from the Office of Price Administration.

† 8 F.R. 8923, 10558, 10725, 14984, 16280.

ing agreements, trade understandings and all similar practices.

(e) *Indirect violations.* Every person is forbidden to offer, attempt or agree to do any of the acts forbidden by this section.

SEC. 6. *Adjustable pricing agreements.* Adjustable pricing agreements may be entered into notwithstanding the provisions of section 5, to the extent permitted by this paragraph.

(a) *When regulation fixes a ceiling price.* In cases where this regulation fixes a ceiling price, a person may sell at that ceiling price, subject to an agreement with the buyer to charge a higher price if it becomes the legal ceiling price by the time delivery is made. But one must never charge a price which is higher than the maximum price in effect at the time of delivery. Moreover, unless authorized by the Office of Price Administration, a person must not deliver or agree to deliver at a price which is to be adjusted upward in accordance with action by the Office of Price Administration after delivery. This authorization may be given by the Administrator or by any other official of the Office of Price Administration to whom the power to grant such authorization has been delegated, and will be given by order except that it may be given by letter or amendment when an application for authorization of an individual ceiling price is pending. The authorization will be given only where:

(1) A request for the fixing or changing of a ceiling price has been filed; and
(2) The authorization is necessary to promote distribution or production; and
(3) It will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended.

(b) *Where the regulation does not fix a ceiling price.* In cases where a ceiling price is not fixed by the regulation, a person must not make any delivery until a ceiling price has been fixed by authorization or amendment, and must not make any contract of sale unless the price is expressly subject to adjustment in accordance with any action which may be taken by the Office of Price Administration.

SEC. 7. *Licensing and enforcement—*

(a) *Licensing.* The provisions of Licensing Order No. 1,¹ licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation. A seller's license may be suspended for violations of the license or this regulation. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

(b) *Penalties.* Any person who violates any provisions of this regulation is subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided by the Emergency Price Control Act of 1942, as amended.

SEC. 8. *Relation to other regulations—*
(a) *Regulations superseded.* The coverage of this regulation is stated in section 1. Where this regulation applies, it

supersedes the provisions of the following regulations:

(1) General Maximum Price Regulation.²

(2) Section 3.5 of Revised Supplementary Regulation No. 14 (formerly § 1499.73 (a) (37) of Amendment 49 to Supplementary Regulation 14).

(b) *Wholesalers' and retailers' sales.* This regulation does not presently apply to wholesalers' and retailers' sales of staple work gloves. These sales are still governed by the General Maximum Price Regulation, and Maximum Price Regulation 210³—"Retail and Wholesale Prices for Fall and Winter Seasonal Commodities."

(c) *Contractors' services.* This regulation does not apply to charges for contractors' services, which are governed by Maximum Price Regulation 172⁴—"Charges of Contractors in the Apparel Industry." "Contractor" is defined in § 1389.52 of that regulation.

(d) *War procurement agencies.* This regulation does not apply to sales of work gloves made according to military specifications, when the sales are made to any war procurement agency as defined in Maximum Price Regulation 157⁵—"Sales and Fabrication of Textiles, Apparel and Related Articles for Military Purposes."

(e) *Export sales.* This regulation does not apply to export sales of work gloves. Such sales are covered by the Second Revised Maximum Export Price Regulation.⁶

(f) *Import sales.* The provisions of this regulation do not apply to deliveries made from points outside the 48 states and the District of Columbia. Such sales and deliveries are governed by the provisions of the Maximum Import Price Regulation.⁷ This regulation does, however, apply to domestic sales when the articles sold were originally imported.

SEC. 9. *How this regulation may be amended.* (a) Any person who seeks a modification of any provision of this regulation may file a petition for amendment of general applicability in accordance with Revised Procedural Regulation No. 1⁸ issued by the Office of Price Administration.

(b) Pending an amendment, a person must not sell or deliver work gloves at prices other than those fixed in the regulation except in accordance with the provisions of section 6 ("Adjustable pricing agreements").

APPENDIX A—TABLES OF MANUFACTURERS' CEILING PRICES

Instructions. 1. Prices are stated per dozen pair of gloves, with freight prepaid to the buyers' place of business.

2. All prices are net 40 days, less 2% in 20 days. If the seller wishes, he may extend

² 8 F.R. 3096, 3849, 4347, 4486, 4724, 4888, 4978, 6047, 6962, 8511, 9025, 11955.

³ 7 F.R. 6789, 7318, 7173, 7912, 8651, 8930, 8937, 8948, 9614, 10109, 8 F.R. 973, 6359, 16170.

⁴ 7 F.R. 4882, 6684, 8351, 8943, 10864, 8 F.R. 8063.

⁵ 7 F.R. 4273, 4541, 4618, 5180, 5716, 6004, 6424, 8948, 8 F.R. 3948, 7507, 16605, 17374.

⁶ 8 F.R. 4132, 5987, 7662, 9998, 15193.

⁷ 8 F.R. 11681, 12237.

⁸ 7 F.R. 8961, 8 F.R. 3313, 3533, 6173.

more favorable terms. But no seller may change these terms if the change would result under any circumstances in a higher net price.

MANUFACTURERS' CEILING PRICES

TABLE 1—WHITE AND UNBLEACHED CANTON FLANNEL GLOVES, WITH SINGLE THICKNESS BACK AND PALM

Clute cut:	
6 oz. Men's knit wrist ¹	\$1.28½
6 oz. Women's knit wrist ¹	1.26
6 oz. Small women's knit wrist ¹	1.23½
8 oz. Men's knit wrist ¹	1.42½
8 oz. Men's band top, 8 oz. flannel band ²	1.42½
8 oz. Women's knit wrist ¹	1.40
8 oz. Women's band top, 8 oz. flannel band ²	1.40
10 oz. Men's knit wrist ¹	1.61
10 oz. Men's band top, 10 oz. flannel band ²	1.63
10 oz. Men's double gauntlet ³	2.15
10 oz. Women's knit wrist ¹	1.58
12 oz. Men's knit wrist ¹	1.78
12 oz. Men's band top, 12 oz. flannel band ²	1.81
12 oz. Men's double gauntlet ³	2.30
12 oz. Men's double gauntlet with turtle neck ⁴	2.37
12 oz. Extra large, men's knit wrist ¹	1.90
Gunn cut or fourchette cut:	
8 oz. Men's knit wrist ¹	1.46
8 oz. Men's knit wrist ¹ Reversible.....	1.46
10 oz. Men's knit wrist ¹	1.61
10 oz. Men's knit wrist ¹ Reversible.....	1.61
10 oz. Men's double gauntlet ⁵	2.15
12 oz. Men's knit wrist ¹	1.78
12 oz. Men's double gauntlet ⁵	2.30
12 oz. Men's double gauntlet with turtle neck ⁷	2.37

TABLE 2—CANTON FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP OUT

Quilted palm:	
Men's 14½ oz. palm, 8 oz. stripe back, knit wrist ¹	\$2.20
Men's 18 oz. palm, 10 oz. white back, knit wrist ¹	2.25
Men's 18 oz. palm, 10 oz. white back, double safety ²	2.55
Men's 18 oz. palm, 10 oz. white back, double safety ² and turtle neck.....	2.62½
Men's 18 oz. palm, 10 oz. white back, double gauntlet ³	2.80
Men's 18 oz. palm, 10 oz. white back, double gauntlet with turtle neck ⁴	2.87½
Men's 18 oz. palm, 8 oz. stripe back, knit wrist ¹	2.20
Men's 18 oz. palm, 8 oz. stripe back, double safety ²	2.50
Men's 18 oz. palm, 8 oz. stripe back, double safety ² and turtle neck.....	2.57½
Men's 18 oz. palm, 8 oz. stripe back, double gauntlet ⁵	2.75
Men's 18 oz. palm, 8 oz. stripe back, double gauntlet ⁵ and turtle neck.....	2.82½
Processed palm:	
Men's 14½ oz. material palm, 8 oz. stripe back, knit wrist ¹	2.25
Men's 18 oz. material palm, 10 oz. white back, knit wrist ¹	2.30

TABLE 3—HOT MILL GLOVES (INSEAM OR OUT-SEAM, NAP IN OR NAP OUT)

Quilted palm:	
Men's 12 oz. palm, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, knit wrist ¹	\$3.00
Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, 12 oz. band top ²	3.20

See footnotes at end of table.

¹ 8 F.R. 13240.

TABLE 3—HOT MILL GLOVES (INSEAM OR OUT-SEAM, NAP IN OR NAP OUT)—Continued

Quilted palm—Continued.
Men's 12 oz. palm and pull, 12 oz. lining, 12 oz. back, 10 oz. knuckle strap, double gauntlet¹..... \$3.57½

TABLE 4—WHITE FLANNEL GLOVES, WITH DOUBLE THICKNESS PALM AND SINGLE THICKNESS BACK, NAP IN

Quilted palm:
Men's 18 oz. palm, 10 oz. back, knit wrist¹..... \$2.20
Men's 18 oz. palm, 10 oz. back, band top²..... 2.25
Men's 18 oz. palm, 10 oz. back, double gauntlet³..... 2.75

TABLE 5—FULLY LINED CANTON FLANNEL GLOVES, NAP OUT ("CHORE" GLOVES)

Quilted material:
Men's 12½-13½ oz., knit wrist¹..... \$2.15
Men's 12½-13½ oz., double safety²..... 2.45
Men's Extra large, 12½-13½ oz., knit wrist¹..... 2.25
Women's 12½-13½ oz., knit wrist¹..... 2.12½
Men's 14½ oz., knit wrist¹..... 2.22½
Men's 14½ oz., double safety²..... 2.52½
Men's Extra large, 14½ oz., knit wrist¹..... 2.32½
Women's 14½ oz., knit wrist¹..... 2.20
Women's 16 oz., knit wrist¹..... 2.30
Men's 16 oz., knit wrist¹..... 2.32½
Men's Extra large, 16 oz., knit wrist¹..... 2.42½
Men's 18 oz., knit wrist¹..... 2.50

Processed material:
Men's 12½-13½ oz. material, knit wrist¹..... \$2.22½
Men's 12½-13½ oz. material, double safety²..... 2.52½
Men's Extra large, 12½-13½ oz. material, knit wrist¹..... 2.32½
Women's 12½-13½ oz. material, knit wrist¹..... 2.20
Men's 14½ oz. material, knit wrist¹..... 2.30
Men's 14½ oz. material, double safety²..... 2.60
Men's Extra large, 14½ oz. material, knit wrist¹..... 2.40
Women's 14½ oz. material, knit wrist¹..... 2.27½
Women's 16 oz. material waterproofed, knit wrist¹..... 2.50
Men's 16 oz. material waterproofed, knit wrist¹..... 2.52½
Men's 16 oz. material waterproofed, double safety²..... 2.82½

TABLE 6—TWO-THUMBED WHITE CANTON FLANNEL GLOVES WITH SINGLE THICKNESS BACK AND PALM ("HUSKING" GLOVES)

Men's 8 oz. knit wrist¹..... \$1.60
Women's 8 oz. knit wrist¹..... 1.57½
Men's 10 oz. knit wrist¹..... 1.80
Women's 10 oz. knit wrist¹..... 1.77½
Men's 12 oz. knit wrist¹..... 1.97½

TABLE 7—TWO-THUMBED WHITE CANTON FLANNEL, WELT SEAM MITTENS, WITH SINGLE THICKNESS BACK AND PALM

Men's 12 oz., with patch, knit wrist¹..... \$2.10
Women's 10 oz., with patch, knit wrist¹..... 1.77½

TABLE 8—SINGLE THICKNESS JERSEY GLOVES

Men's 8 oz. knit wrist¹..... \$1.43
Men's 9 oz. knit wrist¹..... 1.57½
Women's 9 oz. knit wrist¹..... 1.55
Women's Small, 9 oz. knit wrist¹..... 1.52½
Men's 10½ oz. knit wrist¹..... 1.70
Women's 10½ oz. knit wrist¹..... 1.67½
Men's 13 oz. knit wrist¹..... 1.90

TABLE 12—LEATHER COMBINATION GLOVES (8 OZ. CANTON FLANNEL BACK, 6 OZ. OR HEAVIER FLANNEL LINING)

#12 Clute pattern—split shoulder, leather palm, lined, without tips:
Men's knit wrist¹..... \$3.10
Women's knit wrist¹..... 3.00
Men's single safety 2½"..... 3.20
Men's single gauntlet 4½"..... 3.30
Women's single gauntlet 4½"..... 3.20
#13 Gunn pattern—knit wrist, finger tipped:
A. Men's shoulder split, ¾ leather thumb..... 4.40
B. Men's side split, ¾ leather thumb..... 5.20
C. Men's heavy side split, full leather thumb, forefinger and little finger, separate wrist pull..... 6.25
D. Men's side split, full leather thumb and forefinger..... 5.45
#13/1 A. Shoulder split, double safety²..... 4.70
Shoulder split, double gauntlet 4½"..... 4.95
#14-#15 Gunn pattern—finger tipped, waterproofed cuff:
#14 A. Men's shoulder split, ¾ thumb, safety cufflet⁴..... 4.75
Women's shoulder split, ¾ thumb, safety cufflet⁴..... 4.65
#15 A. Men's shoulder split, ¾ thumb, gauntlet cufflet⁴..... 5.20
Women's shoulder split, ¾ thumb, gauntlet cufflet⁴..... 5.10
#14 B. Men's shoulder split, ¾ thumb, pull, knuckle strap, safety cufflet⁴..... 5.35
#15 B. Men's shoulder split, ¾ thumb, pull, knuckle strap, gauntlet cufflet⁴..... 5.80
#14 C. Men's side split, pull, knuckle strap, full leather thumb, safety cufflet⁴..... 6.20
#14/C/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, safety cufflet⁴..... 6.45
#14 C. Women's side split, pull, knuckle strap, full leather thumb, safety cufflet⁴..... 6.10
#15 C. Men's side split, pull, knuckle strap, full leather thumb, gauntlet cufflet⁴..... 6.65
#15/C/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, gauntlet cufflet⁴..... 6.90
#14 D. Men's side split, pull, knuckle strap, full leather thumb, full forefinger, safety cufflet⁴..... 6.40
#15 D. Men's side split, pull, knuckle strap, full leather thumb, full forefinger, gauntlet cufflet⁴..... 6.85
#15/D/1. Men's selected packer's side split, pull, knuckle strap, full leather thumb, full forefinger, gauntlet cufflet⁴..... 7.10
#14 H. Men's side split, clute pattern, full leather thumb, full leather finger backs, pull, knuckle strap, safety cufflet⁴..... 6.60
#15 H. Men's side split, clute pattern, full leather thumb, full leather finger backs, pull, knuckle strap, gauntlet cufflet⁴..... 7.05

¹ Knit wrist—12 yard tubing, not less than 2½" finished.

² Band top—Same material as glove, not less than 1¾" finished.

³ Safety cuff—Double (2 ply) thickness, not less than 2½" finished.

⁴ Safety cuff—Cufflet (waterproofed) not less than 2½" finished, not less than 23 oz. per square yard.

⁵ Gauntlet cuff—Double (2 ply) thickness, not less than 5" finished.

⁶ Gauntlet cuff—Cufflet (waterproofed), not less than 5½" finished, not less than 23 oz. per square yard.

⁷ Gauntlet cuff—Double (2 ply) thickness, not less than 4½" finished.

⁸ Gauntlet cuff—Cufflet (waterproofed) not less than 4½" finished, not less than 23 oz. per square yard.

APPENDIX B—SUGGESTED FORM TO BE USED IN APPLYING FOR CEILING PRICES UNDER SECTION 2 (B)

APPLICATION FOR AN AUTHORIZED CEILING PRICE
This is a suggested form. Copies will not be supplied by the Office of Price Administration.

Firm name
Address Date
Type of trade customarily sold to (Check)
Mail order houses or chain stores ()
Other retailers () Jobbers ()
Glove description:
Cut or pattern
Thickness Size classification
Type of wrist
Additional features (if any)
Material description:
Glove fabric Weight
Cuff fabric Weight
Lining fabric Weight
Leather Grade

Item	Yards per dozen	Ceiling price	Cost per dozen
Material cost:			
Glove fabric.....		Per yd.....	
Cuff fabric.....		Per yd.....	
Lining fabric.....		Per yd.....	
Leather.....		Per sq. ft.....	
Freight in.....			
Total material cost.....			
Deduct discount on purchases.....			
Net material cost.....			
Trimming cost:			
Thread.....			
Boxes and cartons.....			
Labels.....			
Others (specify).....			
Total trimming cost.....			
Total material and trimming cost.....			
Direct labor excluding make-up:			
Cutting.....			
Sewing.....			
Put-up.....			
Inspection.....			
Total direct labor.....			

Submitted by:
Name
Title

Effective date. This maximum Price Regulation No. 506 shall become effective January 21, 1944.

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-823; Filed, January 15, 1944; 11:45 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS [RMFR 183, Amdt. 22]

PUERTO RICO

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation 183 is amended in the following respects:

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 9532, 10763, 10906, 11437, 11847, 12549, 10937, 12632, 13165, 13847, 14090, 14765, 15195.

1. The text of section 54 (a) (1) is amended by inserting the words "or Group C" immediately following the words "or Group B".

2. The text under the heading "Group A" in section 54 (a) (1) is amended by adding the words "or Group C" at the end thereof.

3. Group B in section 54 (a) (1) is amended by changing the item "Dresses (women's and misses)" to read "Dresses (women's and misses) having a direct cost to the importer of less than \$5.00 each"; and by adding after the item "mattress pads" the item "Men's suits having a direct cost to the importer of more than \$13.00 each".

4. Section 54 (a) (1) is amended by adding at the end thereof a new group to read as follows:

Group C. Dresses (women's and misses) having a direct cost to the importer of \$5.00 or more each.

5. Sections 54 (b) (1), 54 (b) (2) and 54 (b) (3) are amended to read as follows:

(1) For a product which is not part of a broken job lot and which has been imported by the seller, the maximum price shall be the direct cost to the importer multiplied by:

Group	Sales at wholesale	Sales at retail
A-----	\$1.20	\$1.50
B-----	1.25	1.60
C-----	1.25	1.75

(2) For a product which is not part of a broken job lot and which has not been imported by the seller:

(i) The maximum price at wholesale shall be the price paid for it by the seller if he purchased it before December 13, 1943, and the price which the importer is permitted to charge for it under this regulation if the seller purchased it on or after December 13, 1943.

(ii) The maximum price at retail shall be the price paid by the retailer multiplied by:

Group:	Sales at Retail
A-----	\$1.25
B-----	1.28
C-----	1.40

(3) For a product which is part of a broken job lot, the maximum price shall continue to be established by the General Maximum Price Regulation.

6. Section 54 (b) (5) is amended to read as follows:

(5) If an unbroken job lot consists of items falling within more than one of the groups of textile products set forth in section 54 (a) (1), the maximum price for the entire lot shall be computed by applying the lowest multiplier appropriate to any item in the lot.

7. Section 54 (b) (6) is added to read as follows:

(6) Notwithstanding the foregoing provisions, any seller who has continuously sold an imported textile product pursuant to the conditions and prices of a written resale price maintenance contract executed by him with the man-

ufacturer prior to April 1942 without any deterioration in quality since that date may apply to the Director of the Office of Price Administration for an order permitting him and other sellers similarly situated to sell such product at the price specified in the contract, or at a price equal to the direct cost to the importer of such product multiplied by 1.67, whichever is lower.

8. Section 54 (i) is amended to read as follows:

(i) *Exemptions.* The provisions of this section 54 shall not apply to sales of textile products by religious or charitable institutions, or to the sale of uniforms and accessories for the armed forces, the prices for which are established by the Army or Navy Uniform Services.

This amendment shall become effective as of December 13, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-824; Filed, January 15, 1944; 11:45 a. m.]

PART 1448—EATING AND DRINKING ESTABLISHMENTS

[Restaurant MPR 3-14]

FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION IN DESIGNATED COUNTIES IN KENTUCKY

In the judgment of the Louisville, Kentucky, District Director, the prices of food and beverages sold for immediate consumption in the hereinafter designated counties, have risen and are threatening further to rise to an extent and in a manner inconsistent with the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328.

In the judgment of the Louisville, Kentucky, District Director, maximum prices established by this regulation are generally fair and equitable and are necessary to check inflation and to effectuate the purposes of the act.

So far as practicable, the Louisville, Kentucky, District Director gave due consideration to prices prevailing between October 1 and October 15, 1941, and consulted with the representatives of those affected by this regulation.

The statement of considerations involved in the issuance of this regulation is issued simultaneously herewith.*

Therefore, in accordance with the direction of the President to take action which will stabilize prices affecting the cost of living and under the authority therewith delegated by the President pursuant to the Act of Congress approved October 2, 1942, entitled "An Act to Aid in Stabilizing the Cost of Living", 77th Congress, Second Session, and under the

*Copies may be obtained from the Office of Price Administration.

authority of Executive Order 9250, Executive Order 9328, and the Emergency Price Control Act of 1942, the Louisville, Kentucky, District Director hereby issues this Restaurant Maximum Price Regulation No. 3-14 establishing as the maximum prices for food and drink sold for immediate consumption in the Louisville, Kentucky, District, the prices prevailing therefor during the seven-day period beginning April 4, 1943, and ending April 10, 1943.

§ 1448.214 *Maximum prices for food and drink sold for immediate consumption.* Under the authority vested in the Louisville, Kentucky District Director by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, Executive Order No. 9328, General Order No. 50 and Region III Order of Delegation 2A under Revised General Order No. 32 and Other Authority, Restaurant Maximum Price Regulation No. 3-14 (Food and Drink Sold for Immediate Consumption) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1448.214 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Congress; E.O. 9250, 7 F.R. 7871; E.O. 9328; 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808.

RESTAURANT MAXIMUM PRICE REGULATION No. 3-14—FOOD AND DRINK SOLD FOR IMMEDIATE CONSUMPTION

CONTENTS

Sec.

1. Geographical application.
2. Sales at higher than ceiling prices prohibited.
3. How you figure ceiling prices for food items and meals you did not sell in the seven-day period.
4. Class of food items and meals.
5. No ceiling prices to be higher than the highest price during the base period.
6. Substitution of food items in meals.
7. Prohibition against discontinuing meals and food items at certain prices.
8. Evasion.
9. Rules for new proprietors and new establishments.
10. Taxes.
11. Records.
12. Posting.
13. Operation of several places.
14. Relation to other maximum price regulations.
15. Definitions and explanations.
16. Enforcement.
17. Exemptions.
18. Special orders.
19. Adjustments.
20. Amendments.
21. Licensing.
22. Revocation.

SECTION 1. *Geographical application.* The provisions of this Maximum Price Regulation No. 3-14 shall be applicable to the entire Louisville District, comprising the following counties in the State of Kentucky:

Adair, Allen, Anderson, Ballard, Barren, Boyle, Breckinridge, Bullitt, Butler, Caldwell, Calloway, Carlisle, Carroll, Casey, Christian, Clinton, Crittenden, Cumberland, Daviess, Edmonson, Franklin, Fulton, Gallatin, Graves, Grayson, Green, Hancock, Hardin, Hart, Henderson, Henry, Hickman, Hopkins, Jefferson, Larue, Livingston, Logan, Lyon, McCracken, McLean, Marion, Marshall, Meade, Mercer, Metcalfe, Monroe, Muhlenberg, Nelson, Ohio, Oldham, Owen, Russell, Shelby, Simpson, Spencer, Taylor, Todd, Trigg, Trimble, Union, Warren, Washington, Wayne, and Webster.

Sec. 2. Sales at higher than ceiling prices prohibited. If you own or operate a restaurant, hotel, cafe, bar, delicatessen, soda fountain, boarding house, or any other eating or drinking establishments, you must not offer or sell any "food item" (including beverages) or "meal" within its proper class as set forth herein, at a price higher than the highest price at which you offered the same "food item" or "meal" in such class during the seven-day period beginning Sunday, April 4, 1943 and ending Saturday, April 10, 1943. You must not sell or offer to sell any other "food item" or "meal" at a price higher than the ceiling price which you figure according to the provisions of sections 3, 4, and 5 herein. You may, of course, sell at less than the ceiling prices.

Sec. 3. How you figure ceiling prices for food items and meals you did not sell in the seven-day period. You must figure your ceiling price for a food item or meal which you did not offer in the seven-day period as follows:

(a) If you served the same food item or meal within thirty days prior to April 4, 1943, you may take as your ceiling price the highest price at which you offered the same food item or meal in its proper class during said thirty-day period. In any such case, your records as set forth in section 11 (c) herein, must include the menu or information showing the previous offering of such food item or meal at the higher price.

(b) If you did not sell or offer to sell the food item or meal either during the seven-day period or the thirty-day period, or if you do not have adequate records of prices charged during the thirty-day period, then you choose from the food items or meals for which a ceiling price has already been fixed, the food item or meal in the same class which is most similar to the food item or meal you are pricing and then proceed as follows:

(1) Determine the cost of the raw food which you use in preparing the new food item or meal.

(2) From the food items and meals for which you have already established ceiling prices, choose a food item or meal which now has a raw food cost equal to or less than the raw food cost of the new food item or meal.

(3) Take as your ceiling price for the new food item or meal your ceiling price for the food item or meal chosen for comparison. The food item or meal chosen for such comparison should be of the same class as the new food item or meal. If, however, you can find no food item or meal of the same class, you may use for comparison the most similar food item or meal of another class having a food cost equal to or less than your food cost for the new food item or meal.

(c) Once your ceiling price for a food item or meal has been fixed, it may not be changed, except as may be expressly provided herein.

Sec. 4. Class of food items and meals—

(a) *Classes of meals.* (1) For the purpose of classification under this regulation, there shall be thirteen classes of meals as follows: breakfast, lunch, tea,

dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays; children's breakfast, lunch, and dinner.

(2) Where you differentiated in price or otherwise between any of the above classes of meals during the period April 4 to April 10, 1943, you shall continue to maintain such differential. A meal shall be further classified according to the food item category hereinafter listed in which the main dish of such meal is grouped.

Example: A week-day roast pork dinner would be in a different class from a week-day roast pork lunch or a Sunday roast pork dinner or a week-day vegetable plate dinner, but would be in the same class as a week-day pork chop dinner.

(b) *Classes of food items.* (1) For the purpose of this regulation, food items as herein referred to shall be classified into the following categories:

FOOD ITEMS

1. Fruits, fruit juices, and vegetable juices.
2. Cereals.
3. Entrees—egg and combination egg dishes served at breakfast.
4. Entrees—meat and meat combination dishes served at breakfast.
5. Entrees—all other dishes served at breakfast.
6. Breads, rolls, buns, danish-pastries, et cetera, served at breakfast.
7. All other breakfast dishes, including jams, jellies, and preserves.
8. Appetizers, except alcoholic cocktails.
9. Soups, including consommé or soups in jelly form.
10. Beef—steaks and roasts.
11. Veal—steaks, chops, and roasts.
12. Pork—loin, chops, steaks, roasts.
13. Lamb or mutton—chops, roasts.
14. Poultry and fowl.
15. Fish and shell-fish.
16. Game.
17. Miscellaneous and variety meats, including liver and kidneys.
18. Prepared dishes, such as stews, casserole, ragouts, curries, et cetera.
19. Egg and cheese dishes and combinations thereof.
20. All other dishes, such as spaghetti and combinations, vegetable platter, baked beans and combinations, chop suey, et cetera.
21. Vegetables, including potatoes.
22. Salads (except as served as a main course or appetizer course in a meal).
23. Desserts—cakes, cookies, pies, pastries, and other baked goods.
24. Desserts—ice cream, sherbets, water ices, including combinations with syrups, creams, fruits and nuts.
25. Desserts—seasonal dessert specialties including but not limited to watermelons, cantaloupes, fresh fruits, and fresh berries.
26. Desserts—all others, including fruits, pudding and cheese.
27. Cold sandwiches—including garnishings, salads and vegetables.
28. Hot sandwiches—including garnishings, salads and vegetables.
29. All other food items served in a meal including mints and preserves.
30. Beverage foods, including coffee, cocoa, chocolate, tea and milk.
31. Non-alcoholic beverages, including sparkling and mineral waters when sold other than in the original package or container.
32. Mixed alcoholic beverages, including highballs and cocktails.
33. Beer and other malt beverages.
34. Wines and other alcoholic beverages.

(2) Where you customarily, during the period April 4 to April 10, 1943, differentiated in price or otherwise as to the serving of the same a la carte food item between any two or more of the following: breakfast, lunch, tea, dinner and supper on week days; breakfast, lunch, tea, dinner and supper on Sundays, and children's breakfast, lunch and dinner, you shall continue to maintain such differentials, and where such differentials exist, such food items shall be deemed to be distinguished as to class.

Example. Mashed potatoes offered a la carte for week-day lunches would be in the same class of food items as potatoes au gratin offered a la carte for week-day lunches but would be in a different class than mashed potatoes offered a la carte for week-day dinners or Sunday suppers or in connection with other meal menus if during the base period they were customarily distinguished in price or otherwise.

(c) If you customarily charged more than usual Sunday prices for meals and food items served on legal holidays (so designated by Federal or State laws), you may, notwithstanding the provisions of sections 2 and 3 herein, continue to charge higher prices on those particular days, such higher prices, however, in no event to exceed 115 per cent of your Sunday ceiling prices. (See section 7, sub-section (c).)

Sec. 5. No ceiling prices to be higher than the highest price in the base period. Under no circumstances are you permitted to charge a higher price for a food item or meal which you did not offer in the seven-day period than the highest price at which you offered a food item or meal under the same class during the seven-day period, except that if, during the thirty-day period immediately prior to April 4, 1943, you served a food item or meal at a price higher than the highest price charged for food items or meals in the same class during the aforesaid seven-day period, then you may continue to sell that same food item or meal at the higher price. In any such case, your records, as set forth in section 11 herein, must include the menu or information showing the previous offering of such food item or meal at the higher price. The restriction of this section shall not apply to seasonal dessert specialties as specified in section 4, paragraph (b), Class 25.

Example. If, during the seven-day period, your highest price for a weekday dinner was \$1.25, in general, that is the highest price you may charge for any weekday dinner. If, however, you served a chicken dinner at \$1.50 on any weekday within 30 days prior to April 4, 1943, then you may continue to serve the same chicken dinner at \$1.50 even though that is a higher price than any price charged for the same class during the seven-day period. But you may not add a new meal not served during the thirty-day period at a price in excess of \$1.25. Observe the requirement that a supporting menu (or price list) be made available to justify such exception.

Sec. 6. Substitution of food items in meals. If you have already determined your ceiling price for a meal, you may substitute for any food item other than the entree (or main dish) in that meal, any other food item of the same class without refiguring your ceiling price,

provided the new food item costs you approximately as much and offer customers the same value as the food item which it replaces. A meal becomes a "new" meal whenever the entree (or main dish) is changed or a new food item is substituted which costs you less or offers your customers lower value than the food item which it replaces, and you must therefore determine its ceiling price in accordance with the rules established by sections 2 and 3.

Sec. 7. Prohibition against discontinuing meals at certain prices. You must not now discontinue offering meals or food items at prices comparable to those charged by you in the seven-day period if by your doing so your customers would actually have to pay more than they did in the seven-day base period. You will be in violation of this regulation unless:

(a) You continue to offer meals and food items at different prices representative of the range of prices at which you offered meals and food items of the same class during the seven-day period, and unless

(b) You continue to offer on week days at least as many different meals and food items at or below the lowest price charged by you for meals or food items of the same class on any week day that you select in the seven-day period, as you did on that day.

Example. Thus, you may select any week day in the seven-day base period as the base day for week day meals and food items. If you select Friday, April 9, 1943, to determine the lowest price and the number of week-day meals and food items offered at that price, and if on that day you offered six week-day dinners, of which two were priced at 85 cents and one each at 90 cents, \$1.00, \$1.10, \$1.15, you must continue to offer two week-day dinners at 85 cents.

(c) You continue to offer on Sundays and legal holidays at least as many different meals and food items at or below the lowest price charged by you for meals and food items of the same class on Sunday, April 4, 1943, as you did on that day.

Sec. 8. Evasion. (a) You must not evade the provisions of this regulation by any scheme or device, including:

(1) Dropping food items from meals, deteriorating quality or reducing quantity without making sufficient reduction in price so as to maintain the raw food cost ratio at least equal to such ratio prior to the deterioration or reduction.

(2) Withdrawing the offer, or increasing the price of any meal ticket, weekly rate, or other arrangement by which customers may buy food items or meals at less than the prices they must pay when purchasing by item or meal.

(3) Increasing any cover, minimum, bread-and-butter, service, corkage, entertainment, check-room, parking, or other special charges, or making such charges when they were not in effect in the seven-day period.

(4) Requiring as a condition of sale of an item or meal the purchase of other items or meals.

(5) Reducing the selection of meals offered at table d'hôte prices when the food items which you customarily offered in such meals are being offered at a la carte prices which, when added together,

total more than the table d'hôte price for the complete meal, or give your customers less value for their money.

(b) You will not be considered evading the provisions of this regulation, however, if you do any of the following things, even though you did not do any of those things during the seven-day period:

(1) You may limit your customer to one pat of butter per meal; and when necessitated by the restrictions of the rationing program, you may vary the size of such pats of butter. In such case, however, you shall adjust the price of such servings of butter, whenever a separate charge is made therefor in direct proportion to the change in size of serving. The resulting figure, if it contains a fraction of a cent, shall be adjusted to the next lower cent if the fraction is less than one-half, and to the next higher cent if the fraction is one-half or greater.

(2) You may reduce the quantity or eliminate altogether ketchup, chili sauce, and any other condiment which is rationed.

(3) You may reduce the amount of sugar served according to your available supply.

(c) You must not, however, make the curtailment authorized in the foregoing subparagraphs and furnish these items at an additional charge. For example, if during the seven-day period you furnished ketchup, you may not discontinue furnishing this item free and at the same time offer to furnish it for an additional charge.

Sec. 9. Rules for new proprietors and new establishments. (a) If you acquire another's business subsequent to the effective date of this regulation and continue the business in the same place, you are subject to the same ceiling prices and duties as the previous proprietor. Prior to the commencement of business, however, you may apply to the Louisville District Office of the Office of Price Administration for permission to price under paragraph (b) of this section. If such permission is granted, it may be subject to such conditions as the Office of Price Administration deems necessary.

(b) If you open an eating or drinking place after the seven-day period, you must fix ceiling prices in line with the ceiling prices of the nearest eating or drinking place of the same type as yours. If you operate a concession in conjunction with a public event and were not in operation during the base period, you shall establish your prices in line with a similar type of eating or drinking place operating during the time of the base period. If the ceiling prices so fixed are too high and threaten to have an inflationary effect on the prices of food and drink, the Office of Price Administration may issue an order requiring you to reduce your ceiling prices. You are subject to the record requirements of section 11 and the posting requirements of section 12 immediately upon the opening of your place.

(c) *Changing type of service.* If you operated an eating or drinking establishment in the same establishment where you operated an eating or drink-

ing place during the period April 4 to April 10, but changed your type of operation, you shall apply to the Louisville District Office of the Office of Price Administration for your proper maximum prices.

(d) *Seasonal eating and drinking establishments.* If you are the proprietor of a seasonal eating or drinking establishment, you must figure your ceiling prices as follows:

(1) If your establishment was in operation during the base period from April 4-10, 1943, use the rules set forth in sections 3, 4, and 5 of this regulation.

(2) If your establishment was not in operation during the base period from April 4 to April 10, but another establishment of the same type and within reasonable distance was in operation during that period, fix your ceiling prices as a new proprietor under the provisions of section 9, paragraphs (a) and (b) herein.

(3) If you cannot price under subparagraphs (1) and (2) herein, and your establishment is not yet in operation, you shall apply for approval of maximum prices to the Louisville District Office of the Office of Price Administration. Your application must be filed at least ten days prior to the date on which you plan to commence operations and must include the following information:

(i) Your name and address and address of your establishment.

(ii) A brief description of your business and the manner of operation.

(iii) A list showing the prices you charged during the previous season, as well as the prices you propose to charge during the present or coming season, differentiating between week-day, and Sunday, and holiday prices.

(iv) The date on which you plan to commence operations.

(v) The names of two establishments similar to yours in your vicinity.

You may then charge the prices listed if they are not disapproved by the Office of Price Administration prior to the date specified for the commencement of operations. The Office of Price Administration, may, at any time, after proper investigation and hearing, establish or alter such maximum prices for your business as it deems proper and equitable.

(4) If your establishment is already in operation and you cannot price under subparagraphs (1) and (2) herein, you shall, within ten days of the effective date of this order, file application with the Louisville District Office of the Office of Price Administration for approval of the prices which you are presently charging. Such application shall include the same information as set forth for applications under subparagraph (3) herein. Such listed prices shall be your maximum prices, but shall be subject to modification or adjustment at any time by the Office of Price Administration.

Sec. 10. Taxes. If in the seven-day period you stated and collected the amount of any tax separately from the price you charged, you may continue to do so. You may also separately state and collect the amount of any new tax or any increase in the amount of a previous tax on the sale of food or drink or

on the business of selling food or drink, if the tax is measured by the number or price of items or meals.

Sec. 11. Records—(a) Filing of menus. General Order No. 50 required you to file with your War Price and Rationing Board on or before May 1, 1943, a signed copy of each menu or list of your prices in effect during the seven-day period beginning Sunday, April 4, 1943, and ending Saturday, April 10, 1943. If you have not already filed, you must do so immediately. Failure to do so will also constitute a violation of this regulation.

(b) Filing by proprietors not in operation during the seven-day period. The proprietor of an eating or drinking place which was not open during the seven-day period (including newly opened places) shall file menus or a price list in accordance with paragraph (a) above, except that, (1) the filing shall be for the seven-day period beginning with the first Sunday that place is open after April 4, 1943, and (2) the filing shall be made within three weeks of such first Sunday.

(c) Records of the seven-day period. You must make available for examination by any person during ordinary business hours, a copy of each menu used by you in the seven-day period from April 4-10, 1943, or, if you are a new proprietor, in the seven-day period referred to in paragraph (b) above. If you did not use menus, or if your menus were incomplete, you must make available for such examination a list of the highest prices you charged in such seven-day period.

(d) Customary records. You must preserve all your existing records relating to your prices, costs and sales. You must also continue to maintain such records as you ordinarily kept. All such records shall be subject to examination by the Office of Price Administration.

(e) Future records. Beginning with the effective date of this regulation, you must keep, for examination by the Office of Price Administration, two copies of each menu used by you each day. If you do not use menus, you must prepare, in duplicate, and preserve for such examination, a record of the prices charged by you each day, except that you need not record prices which are the same as or less than prices you previously recorded for the same items or meals. Proprietors who operate a number of eating or drinking places in the same city which have customarily been subject to central control may keep the records required by this paragraph for those places at a central office or the principal place of business within the city.

Sec. 12. Posting. (a) If you made menus available to customers in the seven-day period April 4 to April 10, inclusive, you shall continue to make them available. All menus shall include prices for meals and food items offered.

(b) Within one week after the effective date of this order:

(1) Your menus must contain in clear and legible printing or writing the following statement:

All prices listed are at or below our ceiling price, which, by OPA regulation, are the highest prices we charged for the same item or meal from April 4 to April 10, 1943. Our

records of prices for such period are available for your inspection.

(c) If you did not use menus during the April 4-10 period, you may either (1) institute the use of menus, abiding by the foregoing requirements, or (2) you must post a price list including prices for all meals and food items offered, near the cashier's desk, if any, or in such other location of your establishment that it may be easily seen and read by customers at the time of purchase. Such price list shall conform to the requirements of paragraph (b) above.

Sec. 13. Operation of several places. If you own or operate more than one eating and drinking place, you must do everything required by this regulation for each place separately.

Sec. 14. Relation to other maximum price regulations. The provisions of this regulation shall not apply to any sale for which a maximum price is established by any other regulation, including the General Maximum Price Regulation, now or hereafter issued by the Office of Price Administration.

Sec. 15. Definitions and explanations. (a) "Person" means individual, corporation, partnership, association, or any organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, any other government, or any of its political subdivisions, and any agency of the foregoing.

(b) "Meal" means a combination of food items sold at a single price. Examples of meals are a five-course dinner, a club breakfast, and a blue-plate special. Two or more kinds of food which are prepared or served to be eaten together as one dish are not a "meal." Examples of such dishes are: ham and eggs, bread and butter, apple pie and cheese.

(c) "Offered" means offered for sale and includes the listing or posting of prices for items and meals even though the items and meals so offered were not actually on hand to be sold.

(d) "Food item" means an article or portion of food (including nonalcoholic and alcoholic mixed beverages) sold or served by an eating or drinking place for consumption in or about the place or to be taken out for eating or drinking without change in form or additional preparation. It includes two or more kinds of food which are prepared or served to be eaten together as one dish, such as ham and eggs, bread and butter, apple pie and cheese. Food items, otherwise identical, are not the same for the purpose of establishing maximum prices under sections 2 and 3, when they are items in different classes. (See section 4 (b) for "classes of food items.") For example, lamb chops offered a la carte for dinner or lunch are in Class 13, while if offered for breakfast they are in Class 4.

(e) "Eating and drinking place" shall include any place, establishment or location, whether temporary or permanent, from which any food item or meal is sold, except those which are specifically exempted in section 17 hereof. It shall include by way of example, but not by way of limitation, such movable places where food is dispensed as field kitchens, lunch wagons, "Hot Dog" carts, et cetera.

(f) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 and in the General Maximum Price Regulation, issued by the Office of Price Administration, shall apply to other terms used herein.

Sec. 16. Enforcement. Persons violating any provisions of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages, and proceedings for suspension of licenses provided for by the Emergency Price Control Act of 1942, as amended.

Sec. 17. Exemptions. Sales by the following eating or drinking places are specifically exempted from the provisions of this regulation:

(a) Eating and drinking places operated in connection with special church, temple, synagogue, Sunday school, or other religious occasions.

(b) Eating and drinking places located on board common carriers (when operated as such), including railroad dining cars, club, bar and buffet cars, and peddlers aboard railroad cars traveling from station to station.

(c) Hospitals, except for food items and meals served to persons other than patients, when a separate charge is made for such food items and meals.

(d) Eating and drinking places operated by any school, college or university which is a non-profit institution (that is, where no part of the net earnings inures to the benefit of any private shareholder or individual), which sells food items or meals on a non-profit or cost basis (or as near thereto as reasonable accounting methods will permit), and substantially all sales of which are made to students, faculty members and employees of such institutions. For purposes of this paragraph, persons receiving instruction on the premises of such institution by arrangement with the War Department or the Department of the Navy, shall be considered students.

Sec. 18. Special orders. The provisions of this regulation to the contrary notwithstanding, the Office of Price Administration may from time to time issue special orders providing for the reduction of the maximum price of any food item or items or meal or meals sold or offered for sale by any seller or sellers when, in the judgment of the District Director, such action is necessary or desirable to prevent inflation, to stabilize prices affecting the cost of living, or to carry out the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328.

Sec. 19. Adjustments. (a) The Office of Price Administration may adjust the maximum prices for any eating establishment under the following circumstances:

(1) The establishment will be forced to discontinue operations unless it is granted an adjustment of the maximum prices established by this regulation.

(2) Such discontinuance will result in serious inconvenience to consumers in that they will either be deprived of all restaurant service or will have to turn to other establishments that present substantial difficulties as to distance, hours

of service, selection of meals or food items offered, capacity, or transportation.

(3) By reason of such discontinuance, the same meals or food items will cost the customers of the eating establishment as much or more than the proposed adjusted prices.

If you are the proprietor of an eating establishment which satisfies the requirements specified above, you may apply for an adjustment of your maximum prices by submitting to the Louisville District Office of the Office of Price Administration an application in duplicate. The application should contain the following information:

- (i) Your name and address.
- (ii) A description of your eating establishment, including the type of service rendered, such as cafeteria, table service, et cetera; classes of meals offered, such as breakfast, lunch and dinner; number of persons served per day during the most recent thirty-day period (in counting the number of persons served, anyone who was served more than once is to be counted separately for each occasion he was served); and such other information that may be useful in classifying your establishment.
- (iii) The reasons why your customers will be seriously inconvenienced if you discontinue operations.
- (iv) The names and addresses of the three nearest eating places of the same type as yours.
- (v) A list showing your present maximum prices and requested adjusted prices.
- (vi) A profit and loss statement covering your restaurant business for the most recent three-month accounting period, and a copy of your last income tax return if one was filed separately for your restaurant business.

Applications for adjustment under this section may be acted upon by the District Director of the Louisville District Office.

SEC. 20. Amendments. You may petition for an amendment of any provision of this regulation (including a petition pursuant to Supplementary Order No. 28) by proceeding in accordance with Revised Procedural Regulation No. 1, except that the petition shall be filed with and acted upon by the District Director.

SEC. 21. Licensing. The provisions of Licensing Order No. 1 shall apply to every person making sales subject to this regulation. Licensing Order No. 1 provides, in brief, that a license is required of all persons selling under price control. The license is automatically granted and may be suspended for violation of any applicable maximum price regulation. Any person whose license is suspended must cease selling during the period of such suspension.

SEC. 22. Revocation. This regulation may be modified, amended, corrected, or revoked at any time by the Office of Price Administration.

This regulation shall become effective February 1, 1944.

NOTE: The reporting and record keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681; Gen. Order 50, 8 F.R. 4808)

Issued this 15th day of January 1944.

GEO. H. GOODMAN,
District Director.

[F. R. Doc. 44-825; Filed, January 15, 1944;
11:47 a. m.]

PART 1499—COMMODITIES AND SERVICE

[Order 28 Under GMPR]

NEW SURPLUS BRASS OR BRONZE VALVES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with § 1499.3 (c) of the General Maximum Price Regulation, it is hereby ordered:

§ 1499.825 *Authorization of maximum prices of new surplus brass or bronze valves for sales by consumer-holders to the Metals Reserve Company, or its agent; and resales by the Metals Reserve Company to brass or bronze valve manufacturers—*(a) *Sales by consumer-holders to the Metals Reserve Company.* The maximum price for any new surplus brass or bronze valve sold and delivered by any consumer-holder to the Metals Reserve Company, or any of its agents, pursuant to the War Production Board Program No. 3311, "Surplus Inventories of New Brass and Bronze Valves," shall be the shipment cost or the maximum price, whichever is lower, of such valve to the consumer-holder at the time of the sale to the Metals Reserve Company.

(b) *Resales by the Metals Reserve Company to brass or bronze valve manufacturers.* The maximum price for the resale by the Metals Reserve Company to any brass or bronze valve manufacturer for any new surplus brass or bronze valve purchased by it pursuant to paragraph (a) shall be the manufacturer's net price to his customer for that brass or bronze valve according to the applicable price regulation, schedule, or order, issued by the Office of Price Administration, covering such valve at the time of the Metals Reserve Company's sale to the brass or bronze valve manufacturer.

(c) *Charges for retesting by manufacturers.* The maximum price that may be charged by a manufacturer to the Metals Reserve Company for testing, handling, and re-packaging of any new surplus brass or bronze valve purchased by the manufacturer pursuant to paragraph (b) shall not exceed 10 per cent of the manufacturer's net price to his customer for that brass or bronze valve according to the applicable price regulation, schedule, or order, issued by the Office of Price Administration, covering such valve at the time of the Metals Reserve Company's sale to the brass or bronze valve manufacturer.

(d) *Transportation.* On all sales made in pursuance of this Order No. 28,

the Metals Reserve Company and the consumer-holder shall agree between themselves as to which of the two parties shall bear all or any part of the freight charges incurred in delivering the new surplus brass or bronze valve from the consumer-holder to the point designated by the Metals Reserve Company.

(e) *Sales between Government agencies.* The sale of any new surplus brass or bronze valve by one Government agency to another Government agency, either direct or through the Metals Reserve Company, shall not be subject to the provisions of this Order No. 28.

(f) *Definitions.* For the purpose of this Order No. 28, the term:

(1) "Brass or bronze valve" means all cocks (except corporation and curb stops and cocks used by gas and water utilities) and all gate, globe, angle, cross, lift check, angle check, swing check, stop check, throttle, needle, butterfly, quick opening, Y-type, hose, radiator, and hydraulic valves, whether cast, forged, or barstock, whose body and bonnet are made entirely of brass or bronze, which are one-quarter of an inch ($\frac{1}{4}$ "') or greater in size, and which, except for radiator valves, are designed for steam working pressures per square inch of not less than 100 pounds and not more than 350 pounds. Radiator valves, both packed and packless, are included, regardless of pressure rating, provided they bear the maker's identifying mark.

A "new surplus brass or bronze valve" means one which has never been installed, and which is in perfect operating condition as specified and guaranteed by the maker.

(2) "Consumer-holder" means any owner of a new surplus brass or bronze valve who acquired such brass or bronze valve for his own use and not for resale.

(3) "Shipment cost" means the net price actually paid by the consumer-holder (after deducting all discounts or allowances of which the consumer-holder was beneficiary and adding any transportation or delivery charges actually paid by the consumer-holder), but not exceeding the maximum price established by the applicable regulation, schedule, or order issued by the Office of Price Administration for a delivery to the consumer-holder, plus the actual cost, but not exceeding 5 percent of the net price, for necessary re-packaging for shipment, provided such packaging is done properly and in accordance with industry standards.

(4) "Manufacturer" means any person operating an establishment who produces brass or bronze valves or who has such brass or bronze valves produced for him for resale under his own trade name, including any subsidiary or affiliate, commission salesman, or other agency of such person.

(5) "Manufacturer's net price to his customer" means the manufacturer's published list price less the discount extended by the manufacturer on sales to the customer in question and in the cases in which the manufacturer does not publish a list price or discount or both, it means the lowest net price charged by

the manufacturer to the customer in question for that valve.

(g) This Order No. 28 may be revoked or amended by the Price Administrator at any time.

This Order No. 28 shall become effective January 17, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-826; Filed, January 15, 1944;
11:44 a. m.]

PART 1398—OFFICE AND STORE MACHINES

[RO 4A, Amdt. 8]

TYPEWRITERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 4A is amended in the following respects:

1. A new § 1398.120 is added to read as follows:

§ 1398.120 *Person who has rented Class A, B or C typewriters continuously since January 1, 1941 from a non-dealer may buy them.* Any person may buy, without further authorization from the Office of Price Administration, any Class A, B or C typewriters which he had on rental on January 20, 1944 from a person other than a typewriter dealer, wholesaler or manufacturer, if he has rented Class A, B or C typewriters continuously from that person since January 1, 1941.

2. Section 1398.150 (b) is amended by deleting from the serial numbers for the Remington (or Monarch or Smith Premier Noiseless) Models 6 and 61, the following: "Also two letter prefix, first letter Q, first digit 8; also all letter series;" and by deleting from the serial numbers for the Underwood Noiseless, all models, the following: "3,835,000" and substituting instead the following: "3,600,000."

This amendment shall become effective January 20, 1944.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 507, 421, and 729, 77th Cong.; W.P.B. Directive No. 1, Supp. Dir. No. 1-D, Conversion Order No. L-54a, 7 F.R. 526, 1792, 2130)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-842; Filed, January 15, 1944;
5:12 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5, Amdt. 45]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith,

* Copies may be obtained from the Office of Price Administration.

⁷ F.R. 10806, 8 F.R. 1065, 1588, 5172, 7384, 12748.

⁸ F.R. 10002, 11676, 11480, 11479, 12493, 12557, 12403, 12744, 14472, 15488, 16787, 17486; 9 F.R. 401, 455.

has been filed with the Division of the Federal Register.*

General Ration Order No. 5 is amended in the following respects:

1. A new section 5.5 (e) is added to read as follows:

(e) An institutional user who operates a hospital or other establishment principally engaged in the care and treatment of the sick need not give the information regarding dollar revenue required by paragraph (a) (6), (7), and (8).

2. Section 18.2 (a) is revoked and a new section 18.2 (a) is added to read as follows:

(a) Beginning on January 1, 1944 every Group II institutional user shall keep a record for each establishment showing by calendar months the total number of persons served.

3. A new section 18.2 (d) is added to read as follows:

(d) An institutional user who operates a hospital or other establishment principally engaged in the care and treatment of the sick need not keep a record of the information regarding dollar revenue required by paragraph (b) (4), (5), and (6).

This amendment shall become effective January 15, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1-E, 1-M and 1-R, 7 F.R. 552, 2965, 7234, 9684, respectively; Food Dir. 3, 5, 6 and 7, 8 F.R. 2005, 2251, 3471, respectively)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-840; Filed, January 15, 1944;
5:12 p. m.]

PART 1340—FUEL

[RPS 88, Amdt. 153]

PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1340.159 (c) (3) (xxv) is amended to read as follows:

(xxv) *Waterbury, Connecticut and various nearby points.* (a) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Naugatuck, Middlebury, Woodbury, Watertown, Wolcott, Prospect and Cheshire, maximum prices for kerosene, No. 1 fuel oil and range oil shall be as follows:

	Cents per gallon
Loaded into buyers' tank wagons.....	8.4
Loaded into containers, in quantities of 10 gallons or less.....	11.6
Tank wagon deliveries to resellers in quantities of 25 gallons or over.....	10.1

⁷ 8 F.R. 3718.

Cents
per gallon

Tank wagon deliveries to consumers in quantities of 25 gallons or over.....	10.8
Tank wagon deliveries to consumers in quantities of less than 25 gallons.....	12.3

NOTE: Section 1340.159 (b) (9), providing for an increase of .3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

(b) In the City of Waterbury and in the following towns and cities in the State of Connecticut: Wolcott, Middlebury, Watertown, Plymouth, Thomaston and Bethlehem, maximum prices of Nos. 2 and 3 fuel oils shall be as follows:

	Cents per gallon
Loaded into tank wagons at jobbers' bulk plants.....	7.8
Tank wagon deliveries to consumers in quantities of 100 gallons or over.....	9.3
Tank wagon deliveries to consumers in quantities of less than 100 gallons.....	9.8

NOTE: Section 1340.159 (b) (9), providing for an increase of .3 of a cent per gallon on tank wagon and certain container deliveries does not apply to the maximum prices established herein; there are no additions to be made to such prices.

This amendment shall become effective January 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 15th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-841; Filed, January 15, 1944;
5:12 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A, Amdt. 66]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (34) is amended to read as follows:

(34) "Tire" means any solid or pneumatic rubber tire or casing capable of being used, or capable of being repaired for use, on any vehicle or equipment.

2. Section 1315.201 (a) (37) is amended to read as follows:

(37) "Tube" means any rubber tube capable of being used, or capable of being repaired for use, within a tire casing on any vehicle or equipment.

3. Section 1315.201 (a) (39) is amended by deleting the following phrase: "vehicle designed for use for road-grad-ing, earth-moving, or similar off-the-road purposes."

4. Section 1315.201 (a) (41) is amended to read as follows:

⁷ 8 F.R. 9752, 10079, 10085.

(41) "Equipment" means any machine or conveyance other than a vehicle, which operates with wheels requiring tires or tubes for such operation.

5. Section 1315.201 (a) (42) is amended to read as follows:

(42) "Mounted", as applied to a tire or tube, means a tire or tube physically mounted or held for use upon a specific vehicle or piece of equipment and includes spare tires or tubes not in excess of the number allowable under this Order or under Ration Order 5C.

6. Section 1315.201 (a) (48) is added to read as follows:

(48) "Industrial-type" when it refers to a tire means a straight-side pneumatic tire of the following sizes designed primarily for industrial use: 4.50-12 or smaller; 6.00-9; 7.50-10; 9.00-10; and 7.50-15 (4-ply, smooth tread only); and any single tube pneumatic tire designed primarily for industrial use. When it refers to a tube it means a tube designed primarily for use within an industrial-type tire.

7. Section 1315.302 (h) is added to read as follows:

(h) Equipment which is located within the area served by the Board.

8. Section 1315.305 (a) is amended to read as follows:

(a) No Board may issue a certificate for a new or used solid tire, used tractor tire, used implement tire or a used tube.

9. The text of § 1315.501 (a) is amended by adding the phrase "or equipment" following the phrase "to equip a vehicle".

10. Section 1315.501 (a) (1) is amended by adding the phrase "or equipment" following the word "vehicle" wherever it appears.

11. Section 1315.501 (a) (4) is amended to read as follows:

(4) To replace a tire or tube which is not serviceable for the use to which the vehicle or equipment is to be put.

12. Section 1315.501 (e) is amended by adding the phrase "or equipment" following the phrase "other than tires or tubes mounted upon vehicles".

13. Section 1315.506 is amended to read as follows:

§ 1315.506 *Eligibility of farm implements, industrial, mining and construction equipment*—(a) *Eligibility requirements.* A certificate may be issued for a tire or new tube necessary to equip a vehicle or equipment which meets the applicable conditions of § 1315.501 and is designed and used as one of the following, provided tires are essential for its operation:

(1) A farm tractor or other farm implement.

(i) Certificates for the purchase of tractor or implement-type tires only may be issued for farm tractors or other farm implements. The certificates may be used to purchase tractor, implement, industrial-type or Grade III tires. However, if a front wheel tractor, implement, industrial-type or Grade III tire of suit-

able size is not available, the Board may issue a certificate for a Grade I tire or a used truck-type tire.

(ii) In any area where recapping facilities are unavailable or inadequate, an applicant may be granted a certificate for a farm tractor or farm implement tire even though the tire to be replaced is recappable.

(2) Equipment used for industrial, mining or construction purposes including off-the-road uses such as earth-moving and road grading.

(b) *Spare tires or new tubes.* A certificate for a spare tire or new tube may be issued to equip any of the vehicles or equipment which satisfy the conditions of this section if the Board finds that a spare tire or tube is necessary for its continued operation.

14. Section 1315.507 (c) (2) is amended to read as follows:

(2) Vehicles, other than commercial motor vehicles, and equipment operated by the applicant for one of the purposes set forth in § 1315.503 (d) (1) (i) (fire fighting or public police services) or eligible under § 1315.506 (a) (2) (off-the-road equipment).

15. Section 1315.517 is added to read as follows:

§ 1315.517 *Eligibility for tires or tubes for purposes other than use on vehicles or equipment.* (a) A person who requires tires or tubes for a purpose other than mounting and use on a vehicle or equipment may apply by letter to the Tire Rationing Branch, Office of Price Administration, Washington, D. C., giving full information as to the intended use and certifying that the tires or tubes for which application is made are not to be mounted on a vehicle or equipment.

(b) A certificate on OPA Form 2 shall be issued by the Head of the Tire Rationing Branch if he is satisfied that the use to which the tires or tubes is to be put is important enough to the war effort or to the civilian economy to justify expenditure of the number of tires or tubes requested.

(c) No appeal may be taken from a decision of the Head of the Tire Rationing Branch made pursuant to this Section.

16. Section 1315.602 (a) is amended by deleting the phrase "non-highway vehicle" and "non-highway vehicles" wherever they appear, and inserting in lieu thereof the word "equipment".

17. Section 1315.802 (a) (1) is amended to read as follows:

(1) Upon the vehicle or equipment for which the tire or tube was acquired under this order.

18. Section 1315.802 (a) (2) is amended by adding the phrase "vehicle or" immediately before the word "equipment" wherever it occurs.

19. The first sentence of § 1315.802 (a) (3) is amended to read as follows:

(3) Upon another vehicle or piece of equipment, provided the tire or tube is needed for its operation or as an allowable spare and immediately following such mounting the person mounting such

tire or tube will use the vehicle or equipment in operations which would make it eligible for the tube or the grade or type of tire in question.

20. The first sentence of § 1315.802 (a) (4) is amended to read as follows:

(4) Upon another vehicle or piece of equipment not covered by subparagraph (3), only if authorized in writing by the Board having jurisdiction over the vehicle or equipment upon which the tire or tube is to be mounted.

21. The table in § 1315.804 (c) (9) entitled "Groups of Products" is amended by deleting the following line: "7. New solid truck-trailer tires."

22. Section 1315.806 (c) is amended to read as follows:

(c) *Transfer of mounted tires and tubes.* A person may, without certificate, transfer a tire or tube mounted on a vehicle or piece of equipment if the transfer is not prohibited by any Order or Regulation of the Office of Price Administration or the War Production Board.

23. Section 1315.806 (p) is amended to read as follows:

(p) *Transfer and use of non-rationed tires and tubes.* (1) Any person may transfer, acquire, mount, use or change the physical location of new or used solid tires, used implement tires, used tractor tires or used tubes, without certificate or authorization.

(2) A consumer may acquire industrial-type tires or tubes for mounting and use on equipment only, without certificate or authorization.

(3) A dealer or manufacturer may transfer industrial-type tires or tubes to a dealer or consumer without certificate or authorization.

(4) The transfer and acquisition of tires or tubes under this paragraph is subject in all cases to, and may be made only in accordance with, the certification requirements imposed by §§ 4600.15 and 4600.17 of War Production Board Order R-1, as amended from time to time.

This amendment shall become effective January 21, 1944.

NOTE: The reporting requirement of this amendment has been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-880; Filed, January 17, 1944; 11:50 a. m.]

PART 1340—FUEL

[MPR 120, Amdt. 79]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of considerations involved in the issuance of this amendment issued simultaneously herewith has been filed

with the Division of the Federal Register.*

Maximum Price Regulation No. 120 is amended in the following respect:

In § 1340.219 (b), subparagraph (3), in the proviso, after the words "Railroad locomotive fuel sold to the Georgia Railroad" and before the words "for locomotive fuel, etc.," a comma and the words, "Savannah & Atlanta Railway Company, Atlanta and West Point Railroad Company, Western Railway Company of Alabama, and Central of Georgia Railway Company," are inserted.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250; 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-881; Filed, January 17, 1944;
11:48 a. m.]

PART 1346—BUILDING MATERIALS

[MPR 317,¹ Correction to Amdt. 2]

LOCKS AND LOCK SETS

The designation § 1346.357a (d) (b) is corrected to read § 1346.357a (d) (2).

This correction shall be effective as of September 28, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-882; Filed, January 17, 1944;
11:49 a. m.]

PART 1364—FRESH, CURED AND CANNED MEATS AND FISH PRODUCTS

[MPR 469,² Amdt. 3]

LIVE HOGS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Maximum Price Regulation No. 469 is amended in the following respects:

1. Section 4 (a) is amended to read as follows:

(a) The ceiling price for any lot of live hogs sold by a dealer shall be the applicable ceiling price determined as required by the provisions of section 3: *Provided*, That a dealer may collect from the buyer a service charge not to exceed:

\$15 per double deck railroad car of 26,000 lbs. or more.

\$10 per single deck railroad car of 16,000 lbs. or more.

\$10 per double deck railroad car of 16,000 lbs. or more but less than 26,000 lbs.

* Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 13003.

² 8 F.R. 12562, 13741, 13847.

\$13 per truck or l. c. l. rail shipment of 22,000 lbs. or more.

\$12 per truck or l. c. l. rail shipment of less than 22,000 lbs. and more than 20,000 lbs.

\$11 per truck or l. c. l. rail shipment of 20,000 lbs. or less but more than 18,000 lbs.

\$10 per truck or l. c. l. rail shipment of 18,000 lbs. or less but more than 16,000 lbs.

\$9 per truck or l. c. l. rail shipment of 16,000 lbs. or less but more than 14,000 lbs.

\$8 per truck or l. c. l. rail shipment of 14,000 lbs. or less but more than 12,000 lbs.

\$7 per truck or l. c. l. rail shipment of 12,000 lbs. or less but more than 10,000 lbs.

\$6 per truck or l. c. l. rail shipment of 10,000 lbs. or less but more than 8,000 lbs.

\$5 per truck or l. c. l. rail shipment of 8,000 lbs. or less but more than 6,000 lbs.

\$4 per truck or l. c. l. rail shipment of 6,000 lbs. or less but more than 4,000 lbs.

\$3 per truck or l. c. l. rail shipment of 4,000 lbs. or less but more than 3,000 lbs.

\$2 per truck or l. c. l. rail shipment of 3,000 lbs. or less but more than 2,000 lbs.

2. Section 9 is amended to read as follows:

Sec. 9. *Indirect price increases.* The price limitations set forth in this regulation shall not be evaded directly or indirectly. An example of an indirect price increase forbidden by this section is a sale of some other commodity to the buyer in conjunction with the sale of live hogs, where the buyer did not normally buy this commodity from the seller in the past. Except as provided in section 4 (a), no payments, commissions or allowances for any service, or for transportation or shrinkage, or for any other purpose shall be made by the buyer of live hogs to the seller, unless the total sales price, including such payment, commission or allowance, is equal to or less than the maximum price: *Provided*, That the following payments shall not be construed as evasions of the price limitations under the following conditions:

(a) A payment or service charge by a buyer to the seller for services rendered to the buyer, if such payment is in accordance with tariffs for such services filed by the seller pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended.

(b) A payment by a buyer to the seller for transporting live hogs from the place of weighing to the buyer's delivery point, if the seller is a common carrier or if the rate paid does not exceed that fixed by the General Maximum Price Regulation.*

3. Section 11 (b) is amended to read as follows:

(b) Except at a public stockyard, no hog may be fed or watered on the day of sale prior to weighing; but (1) hogs may be fed or watered after the weighing referred to in section 7 of Article I, and (2) hogs may be fed or watered prior to weighing at any terminal market, interior market or buying station, if the top price paid for hogs at the market or station on the day before weighing was below the ceiling price.

4. Schedule I of section 13 is amended by deleting the lines reading "Pine Bluff,

³ 8 F.R. 3096, 3849, 4347, 4486, 4724, 4978, 4848, 6047, 6962, 8511, 9025, 9991, 11955, 13724.

Ark.----- 14.45" and "Cheyenne, Wyo.----- 14.75", and by changing the ceiling prices stated for Wichita, Kans. from "14.40" to "14.45" and Oklahoma City, Okla. from "14.40" to "14.45".

5. Schedule II of section 13 is amended by adding these lines, in their appropriate alphabetical positions:

Fort Branch, Ind.-----	14.60
Grand Forks, N. D.-----	14.15
Huron, S. D.-----	14.25
Madison, S. D.-----	14.25
Scotts Bluff, Nebr.-----	14.45
Smithfield, Va.-----	14.65
Watertown, S. D.-----	14.25

6. In section 13, Schedule III, Item 14 (c) is amended and Items 14 (d) and (e) are added to read as follows:

(c) All counties except those cited in 14 (a), 14 (b), 14 (d) and 14 (e)-----	14.20
(d) Sheridan, Garden and Deuel-----	14.25
(e) Dawes, Box Butte, Morrill, Cheyenne, Sioux, Scotts Bluff, Banner, Kimball-----	14.30

7. Item 7 of Schedule III of section 13 is amended to read as follows:

7. Wyoming:
(a) Sheridan, Johnson, Natrona, Carbon, Campbell, Converse, Albany, Crook, Weston, Niobrara, Platte, Goshen, Laramie----- \$14.80
(b) All counties except those cited in 7 (a)----- 14.45

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

Approved: January 3, 1944.

ASHLEY SELLERS,
Assistant War Food
Administrator.

[F. R. Doc. 44-883; Filed, January 17, 1944;
11:50 a. m.]

PART 1381—SOFTWOOD LUMBER

[RMPR 161,² Amdt. 11]

WEST COAST LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 1381.156 of Revised Maximum Price Regulation 161 is amended so that the present paragraph (g) is deleted and the following paragraph is substituted:

(g) *Contract loggers.* The overtime addition may not be separately paid to contract loggers. Under Maximum Price Regulation No. 503 (Western Contract Logging Services), however, the maximum logging service price is determined in relation to the maximum price on logs. If the buyer of contract logging services has authority to add the overtime addition, this addition may be included in the log ceiling for the purpose of computing

² 8 F.R. 1117, 2992, 5678, 6619, 9381, 10660, 11509, 16602, 16603.

the maximum price on the logging services; the addition likewise must be eliminated from consideration if the log seller subsequently has his authorization cancelled.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-884; Filed, January 17, 1944;
11:48 a. m.]

PART 1382—HARDWOOD LUMBER

[MPR 313,¹ Amdt. 6]

PRIME GRADE HARDWOOD LOGS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Maximum Price Regulation 313 is amended by the addition of the following paragraph (d) to § 1382.251.

(d) On and after January 22, 1944, this regulation shall be inapplicable to sales of Prime Grade Hardwood logs, which shall thereafter be governed by the provisions of Maximum Price Regulation 348. However, if a written contract for sale of prime grade hardwood logs was made prior to January 17, 1944, providing for continuing deliveries of prime grade hardwood logs, application may be made by the buyer or seller to the Lumber Branch, Office of Price Administration, Washington, D. C., for permission to continue deliveries under such contracts for not to exceed 30 days from January 22, 1944. The application or request must include a copy of the contract or a summary of all the terms of the contract. The Lumber Branch may grant or deny such applications by letter or telegram.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-885; Filed, January 17, 1944;
11:50 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,² Amdt. 99]

MEAT, FATS, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and

*Copies may be obtained from the Office of Price Administration.

¹ 8 F.R. 1453, 2209, 2992, 5564, 6359, 10825.

² 8 F.R. 13128, 13394, 13980, 14399, 14623, 14764, 14845, 15253, 15454, 15524, 16160, 16161.

No. 12—10

has been filed with the Division of the Federal Register.*

The second sentence of section 13.3 (a) is amended to read as follows: "Generally, no such application may be granted unless it is found that:"

This amendment shall become effective January 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Dir. 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-886; Filed, January 17, 1944;
11:48 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,¹ Amdt. 2]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

The second sentence of section 12.4 (a) is amended to read as follows: "Generally, no such application may be granted unless it is found that:"

This amendment shall become effective January 21, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, 7 F.R. 562; Food Dir. 3, 8 F.R. 2005, and Food Dir. 5, 8 F.R. 2251)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-887; Filed, January 17, 1944;
11:49 a. m.]

PART 1449—CHARCOAL

[MPR 431,³ Amdt. 7]

CHARCOAL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Appendix B (a) (1) is amended to read as follows:

- | | |
|------------------------------|---------|
| (1) Lump pine wood charcoal: | |
| (a) Carload or more: | Per ton |
| (a) Bulk | \$20.00 |
| (b) In bags (bags included) | 26.00 |
| (ii) Less than carload: | |
| (a) Bulk | 24.00 |
| (b) In bags (bags included) | 30.00 |

³ 8 F.R. 11048, 11383, 11563, 11513, 11763.

⁴ 8 F.R. 9628, 11444, 12444, 13059, 13745.

This amendment shall become effective January 22, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 17th day of January 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-888; Filed, January 17, 1944;
11:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS

BRIDGES IN NORTH CAROLINA

Pursuant to section 5 of the River and Harbor Act of 18 August 1894 (28 Stat. 362; 33 U. S. C. 499), the provisions of § 203.241 are hereby extended to include certain bridges across the Tar River, North Carolina, paragraph (f) being amended as follows:

§ 203.241 *Navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which these regulations apply, and the advance notice required in each case, are as follows: * * *

Tar River, N. C.; Atlantic Coast Line Railroad Company bridge at Greenville, N. C., and drawbridges upstream thereof. (At least twenty-four hours' advance notice required.)

(Sec. 5, 28 Stat. 362; 33 U.S.C. 499)
[Regs. 8 November 1943, CE 800.211 SPEKH, as amended 8 January 1944, CE 823 (Tar River—Greenville, N. C.) (Mile 22, SPEWR)]

[SEAL]

J. A. ULIO,
Major General.
The Adjutant General.

[F. R. Doc. 44-872; Filed, January 17, 1944;
11:44 a. m.]

TITLE 43—PUBLIC LANDS; INTERIOR

Chapter I—General Land Office (Appendix)

[Public Land Order 200]

ARIZONA

REVOCATION OF PUBLIC LAND ORDER 8

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Public Land Order No. 8 of June 30, 1942, withdrawing all public lands in sections 9 to 16, inclusive, T. 12 S., R. 8 E., G. & S. R. M., Arizona, from all forms of

appropriation under the public land laws, including the mining laws, and reserving them under the jurisdiction of the Secretary of the Interior for use in connection with national defense purposes, is hereby revoked.

This order shall become effective 60 days after the date of issuance, the lands to be subject to the regulations contained in 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L. D. 254), and in 43 CFR, Part 296, to the extent they are applicable.

HAROLD L. ICKES,

Secretary of the Interior.

JANUARY 6, 1944.

[F. R. Doc. 44-851; Filed, January 17, 1944; 10:18 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter II—Office of Defense Transportation

[Administrative Order ODT 13]

PART 503—ADMINISTRATION

DELEGATION OF AUTHORITY TO DIVISION OF LOCAL TRANSPORT

Pursuant to Executive Orders 8989, as amended, 9156, 9214, and 9294, it is hereby ordered that:

§ 503.305 *Alaskan representative.* (a) The Alaskan representative of the Office of Defense Transportation is authorized and directed as follows:

1. To execute and issue, in the name of the Director of the Office of Defense Transportation, the special permits contemplated by General Orders ODT 20A (8 F.R. 9231) and 26A (8 F.R. 4934), or as hereafter amended;

2. To execute and issue, in the name of the Director of the Office of Defense Transportation, the authorization as contemplated by § 501.307 of General Order ODT 35 (8 F.R. 3451), or as hereafter amended.

(b) The authority conferred by this order shall be subject to the general control and direction of the Director, Division of Local Transport, Office of Defense Transportation, and may be exercised by such Alaskan representative through such agents, or employees of the United States as he may designate.

This Administrative Order ODT 13 shall become effective January 15, 1944. (E.O. 8989, as amended, 6 F.R. 6725 and 8 F.R. 14183; E.O. 9156, 7 F.R. 3349; E.O. 9214, 7 F.R. 6097; E.O. 9294, 8 F.R. 221)

Issued at Washington, D. C., this 15th day of January 1944.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

[F. R. Doc. 44-795; Filed, January 15, 1944; 10:46 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of the Public Debt.

[1944 Dept. Circ. 729]

2½ PERCENT TREASURY BONDS OF 1965-70

1. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2½ percent Treasury Bonds of 1965-70. The amount of the offering is not specifically limited.

2. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits, except as follows: a commercial bank holding savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System may subscribe to the bonds offered hereunder, to the 2½ percent Treasury Bonds of 1956-59 offered simultaneously herewith under Treasury Department Circular No. 730, and to Series F-1944 and Series G-1944 United States Savings Bonds under Treasury Department Circular No. 654, Second Revision, but the amount of such subscriptions shall not exceed, in the aggregate, 10 percent of the savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of subscription for such bonds, or \$200,000, whichever is less. No such bank shall hold more than \$100,000 (issue price) of Series F and Series G Savings Bonds (Series 1944), combined.

II. *Description of bonds.* 1. The bonds will be dated February 1, 1944, and will bear interest from that date at the rate of 2½ percent per annum, payable on a semiannual basis on September 15, 1944, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature March 15, 1970, but may be redeemed at the option of the United States on and after March 15, 1965, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the

United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury. Except as provided in Section I of this circular, these bonds may not, before February 1, 1954, be transferred to or be held by commercial banks, which are defined for this purpose as banks accepting demand deposits; however, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before February 1, 1954, because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment, *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at _____ for credit on Federal estate taxes due from estate of _____." Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date; bonds received during the closed period for payment at a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on

¹ An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

² The transfer books are closed from February 16 to March 15, and from August 16 to September 15 (both dates inclusive) in each year.

the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,² properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than six months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipts will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers are requested not to trade in the securities allotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in Section I of this circular, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is \$0.069 per \$1,000. Any qualified depositor will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payments for bonds allotted, to make delivery of

bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 44-877; Filed, January 17, 1944;
11:53 a. m.]

[1944 Dept. Cir. 730]

2 1/4 PERCENT TREASURY BONDS OF 1956-59

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for bonds of the United States, designated 2 1/4 percent Treasury Bonds of 1956-59. The amount of the offering is not specifically limited.

2. These bonds will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits, except as follows: a commercial bank holding savings deposits as defined in Regulation Q of the Board of Governors of the Federal Reserve System may subscribe to the bonds offered hereunder, to the 2 1/2 percent Treasury Bonds of 1965-70 offered simultaneously herewith under Treasury Department Circular No. 729, and to Series F-1944 and Series G-1944 United States Savings Bonds under Treasury Department Circular No. 654, Second Revision, but the amount of such subscriptions shall not exceed, in the aggregate, 10 percent of the savings deposits as shown on the bank's books as of the date of the most recent call statement required by the supervising authorities prior to the date of subscription for such bonds, or \$200,000, whichever is less. No such bank shall hold more than \$100,000 (issue price) of Series F and Series G Savings Bonds (Series 1944), combined.

II. *Description of bonds.* 1. The bonds will be dated February 1, 1944, and will bear interest from that date at the rate of 2 1/4 percent per annum, payable on a semiannual basis on September 15, 1944, and thereafter on March 15 and September 15 in each year until the principal amount becomes payable. They will mature September 15, 1959, but may be redeemed at the option of the United States on and after September 15, 1956, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now

or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$500, \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury. Except as provided in Section I of this circular, these bonds may not, before September 15, 1946, be transferred to or be held by commercial banks, which are defined for this purpose as banks accepting demand deposits; however, the bonds may be pledged as collateral for loans, including loans by commercial banks, but any such bank acquiring such bonds before September 15, 1946, because of the failure of such loans to be paid at maturity will be required to dispose of them in the same manner as they dispose of other assets not eligible to be owned by banks.

5. Any bonds issued hereunder which upon the death of the owner constitute part of his estate, will be redeemed at the option of the duly constituted representatives of the deceased owner's estate, at par and accrued interest to date of payment,¹ *Provided:*

(a) That the bonds were actually owned by the decedent at the time of his death; and

(b) That the Secretary of the Treasury be authorized to apply the entire proceeds of redemption to the payment of Federal estate taxes.

Registered bonds submitted for redemption hereunder must be duly assigned to "The Secretary of the Treasury for redemption, the proceeds to be paid to the Collector of Internal Revenue at ----- for credit on Federal estate taxes due from estate of -----."

Owing to the periodic closing of the transfer books and the impossibility of stopping payment of interest to the registered owner during the closed period, registered bonds received after the closing of the books for payment during such closed period will be paid only at par with a deduction of interest from the date of payment to the next interest payment date;² bonds received during the closed period for payment at

¹ An exact half-year's interest is computed for each full half-year period irrespective of the actual number of days in the half year. For a fractional part of any half year, computation is on the basis of the actual number of days in such half year.

² The transfer books are closed from February 16 to March 15, and from August 16 to September 15 (both dates inclusive) in each year.

² Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

a date after the books reopen will be paid at par plus accrued interest from the reopening of the books to the date of payment. In either case checks for the full six months' interest due on the last day of the closed period will be forwarded to the owner in due course. All bonds submitted must be accompanied by Form PD 1782,² properly completed, signed and sworn to, and by a certificate of the appointment of the personal representatives, under seal of the court, dated not more than six months prior to the submission of the bonds, which shall show that at the date thereof the appointment was still in force and effect. Upon payment of the bonds appropriate memorandum receipt will be forwarded to the representatives, which will be followed in due course by formal receipt from the Collector of Internal Revenue.

6. Except as provided in the preceding paragraphs, the bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers are requested not to trade in the securities allotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of bonds applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, and to the limitations on commercial bank subscriptions prescribed in Section I of this circular, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is \$0.062 per \$1,000. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treas-

ury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 44-878; Filed, January 17, 1944;
11:53 a. m.]

[1944 Dept. Circ. 731]

7/8 PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES A-1945

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for certificates of indebtedness of the United States, designated 7/8 percent Treasury Certificates of Indebtedness of Series A-1945. These certificates will not be available for subscription, for their own account, by commercial banks, which are defined for this purpose as banks accepting demand deposits. The amount of the offering is not specifically limited.

II. Description of certificates. 1. The certificates will be dated February 1, 1944, and will bear interest from that date at the rate of 7/8 percent per annum, payable semiannually on August 1, 1944, and February 1, 1945. They will mature February 1, 1945, and will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Commercial banks are requested not to purchase and subscribers are requested not to trade in the securities al-

lotted hereunder until after February 15, 1944. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions must be accompanied by payment in full for the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made on or before February 1, 1944, or on later allotment. One day's accrued interest is \$0.24 per \$1,000. Any qualified depository will be permitted to make payment by credit for certificates allotted to its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V. General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR.,
Secretary of the Treasury.

[F. R. Doc. 44-876; Filed, January 17, 1944;
11:53 a. m.]

WAR DEPARTMENT.

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND THREE EMPLOYEE ORGANIZATIONS

MEMORANDUM FOR THE COMMANDING GENERAL, ARMY SERVICE FORCES

JANUARY 15, 1944.

1. Referring to your memorandum of this date and pursuant to the request of the President in his letter to me dated 7 January 1944, you are authorized to approve on behalf of the War Department, the wage agreement dated 14 January 1944 between certain railroads and

² Copies of Form PD 1782 may be obtained from any Federal Reserve Bank or from the Treasury Department, Washington, D. C.

their employees represented by the Brotherhood of Locomotive Firemen and Enginemen, the Order of Railway Conductors and the Switchmen's Union of North America, and you may authorize the railroads to make the payments provided for by that agreement. This authority to approve such an agreement or agreements may be delegated by you.

2. You may also authorize or approve agreements between any carriers which are not parties to the agreement of 14 January 1944 and their employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and you may authorize payments to be made in accordance with such agreement.

HENRY L. STIMSON,
Secretary of War.

[F. R. Doc. 44-873; Filed, January 17, 1944;
11:44 a. m.]

APPROVAL OF WAGE AGREEMENT BETWEEN RAILROADS AND THREE EMPLOYEE OR- GANIZATIONS

MEMORANDUM FOR THE CHIEF OF TRANS- PORTATION

JANUARY 15, 1944.

1. In accordance with the recommendations of the President of the United States referred to in the attached memorandum from the Secretary of War, and pursuant to the authority contained in that memorandum, you are authorized and directed:

a. To approve the agreement between the railroads and their employees represented by the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen and the Switchmen's Union of North America, and to authorize the railroads to make the payments provided for in that agreement, and

b. To authorize or approve the execution of agreements between any carriers which are not parties to the agreement of 14 January 1944 and their employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and you may authorize payments to be made in accordance with such agreement.

BREHON SOMERVELL,
Lieutenant General,
Commanding.

[F. R. Doc. 44-874; Filed, January 17, 1944;
11:44 a. m.]

[G. O. 2]

WAR DEPARTMENT OPERATION OF RAILROADS

AGREEMENT BETWEEN RAILROADS AND EM- PLOYEE ORGANIZATIONS

JANUARY 15, 1944.

1. Each of the carriers which are parties to the agreement dated 14 January

1944 between certain carriers and their employees represented by the Order of Railway Conductors, the Brotherhood of Locomotive Firemen and Enginemen and the Switchmen's Union of North America, is hereby authorized to make the payments provided for in that agreement, in accordance with its terms.

2. Any carrier not a party to the agreement of 14 January 1944 is authorized to enter into agreements with its employees represented by said organizations, providing for the payment of wage increases and allowances not in excess of those provided for by said agreement, upon substantially the same terms and conditions as are contained in said agreement, and to make the payments provided for by such agreements.

C. P. GROSS,
Major General,
Chief of Transportation.

APPENDIX A

AGREEMENT

This agreement made this 14th day of January, 1944, by and between the participating carriers listed in Exhibits A, B, and C, as shown in Appendix of the Emergency Board's Report, dated September 25, 1943, and the three railroad labor organizations, signatory hereto, acting for the employees shown and described in said exhibits as being represented by them, witnesseth:

SECTION 1. On September 25, 1943, an Emergency Board, appointed May 31, 1943 pursuant to the Railway Labor Act and Executive Orders 9172 and 9299, filed its report with the President of the United States in which was contained the recommendation that the employees covered by said report receive an increase of 32 cents per minimum basic day or 4 cents per hour, to be effective as of April 1, 1943. That recommendation was not disapproved by the Director of the Office of Economic Stabilization and has been put into operation by the carriers parties to this agreement. Said increases have been applied as set forth in Appendix A, attached hereto and made a part hereof, and are hereby ratified by the parties hereto.

SEC. 2. An additional increase of 40 cents per minimum basic day or five cents per hour, effective December 27, 1943, shall be paid as the equivalent of or in lieu of claims for time and half pay for time worked over 40 hours per week and for expenses while away from home; said additional increase to be applied in the manner set forth in Appendix B, attached hereto and made a part hereof, and overtime compensation shall continue to be computed and paid in accordance with the provisions of existing agreements.

SEC. 3. (a) The employees herein involved shall be entitled to a vacation of one week a year with pay, said pay to be based on the basic daily rate of last service performed.

(b) The signatory parties, or their representatives, will meet on the earliest date mutually acceptable to both parties to negotiate as to certain details of the application of this section.

(c) If such negotiations do not result in agreement, the matters unsettled will be arbitrated in accordance with the Railway Labor Act, as amended.

SEC. 4. The subjects of time and one-half pay for time worked over 40 hours per week, expenses away from home, and vacations with pay, shall not be further considered by the parties during the continuation of hostilities. This agreement arrived at in time of war shall not prejudice the rights of the parties after Proclamation by the President of the United States or Declaration by the Congress of the cessation of hostilities, to again consider the three subjects above referred to in this section, in accordance with

provisions of the Railway Labor Act, as amended. The provisions of this section shall not be construed as a restriction on the right of the parties to take action with respect to change of the basic rates of pay established by application of the increases in rates of pay provided for in this agreement, or to amend existing rules, or to propose new rules not connected with the three subjects above referred to in this section, in accordance with the procedures of the Railway Labor Act, as amended.

SEC. 5. Sections 2 and 3 of this agreement shall become effective as provided therein when necessary governmental approval is secured.

SEC. 6. This agreement is subject to approval of courts with respect to carriers in hands of receivers or trustees.

SEC. 7. This agreement shall be construed as a separate agreement by and on behalf of each carrier, party hereto, and its railroad employees represented by the respective organizations, signatory hereto.

Signed at Washington, D. C., this 14th day of January 1944.

For the participating carriers listed in Exhibit A:¹

D. P. LOOMIS,
Chairman.
L. L. WHITE,
F. W. GREEN,
J. Y. MCCLEAN,
J. G. TORIAN,

For the participating carriers listed in Exhibit B:

H. A. ENOCHS,
Chairman.
C. A. GILL,
L. W. HORNING,
G. J. RAY,
J. W. SMITH,
C. W. VAN HORN,

For the participating carriers listed in Exhibit C:¹

J. B. PARRISH,
Chairman.
L. L. MORTON,
N. H. LASSITER,
C. S. CANNON,
R. V. HALSEY.

For the employees represented by the participating labor organizations:

BROTHERHOOD OF LOCOMOTIVE FIRE-
MEN AND ENGINEMEN,

By D. B. ROBERTSON,
President.

ORDER OF RAILWAY CONDUCTORS,
By H. W. FRASER,

President.
SWITCHMEN'S UNION OF NORTH
AMERICA,

By T. C. CASHEN,
President.

Effective April 1, 1943, an increase of thirty-two cents (32¢) per day in the rates of pay of employees represented by the labor organizations signatory hereto and covered by Exhibits A, B, and C,¹ as shown in appendix of the Emergency Board's report dated September 25, 1943, shall be made in the following manner:

General

1. (a) All basic daily rates of pay will be increased in the amount of thirty-two cents (32¢) per day.

(b) Mileage rates shall be determined by dividing the new daily rates by the miles constituting a basic day's work in the respective classes of service.

(c) Daily earnings minima shall be increased thirty-two cents (32¢).

(d) All arbitraries, miscellaneous rates, or special allowances as provided in the schedules or wage agreements shall be increased in proportion to the daily increase herein provided.

¹ Not filed with the Division of the Federal Register.

(c) Existing money differentials above existing standard daily rates shall be maintained.

Train Service

2. (a) Standard monthly rates and money monthly guarantees in passenger service shall be thirty (30) times the new standard daily rate. Other than standard monthly rates, and money monthly guarantees, shall be so adjusted that differentials existing as of March 31, 1943, shall be preserved.

(b) Existing monthly rates and money monthly guarantees applicable in other than passenger service will be increased in the same proportion as the daily rate for the class of service involved is increased.

Engine Service

3. In local freight service the same differential in excess of through freight rates as now paid shall be maintained.

Dining Car Employees

4. All monthly rates shall be increased \$9.60.

Yardmasters

5. All monthly rates shall be increased \$9.60.

6. All increases provided for in the foregoing paragraphs 1 to 5, both inclusive, shall be effective as of April 1, 1943.

APPENDIX B

Effective December 27, 1943, an increase of forty cents (40¢) per day over rates then in effect, established in the manner provided in section 1 of the agreement and in Appendix A, shall be made to the employees represented by the labor organizations signatory hereto, in the following manner:

General

1. (a) All basic daily rates of pay will be increased in the amount of forty cents (40¢) per day.

(b) Mileage rates shall be determined by dividing the new daily rates by the miles constituting a basic day's work in the respective classes of service.

(c) Daily earnings minima shall be increased forty cents (40¢).

(d) All arbitraries, miscellaneous rates, or special allowances as provided in the schedules or wage agreements shall be increased in proportion to the daily increase herein provided.

(e) Existing money differentials above existing standard daily rates shall be maintained.

Train Service

2. (a) Standard monthly rates and money monthly guarantees in passenger service shall be thirty (30) times the new standard daily rate. Other than standard monthly rates and money monthly guarantees shall be so adjusted that differentials existing as of December 26, 1943, shall be preserved.

(b) Existing monthly rates and money monthly guarantees applicable in other than passenger service will be increased in the same proportion as the daily rate for the class of service involved is increased.

Engine Service

3. In local freight service the same differential in excess of through freight rates as now paid shall be maintained.

Dining Car Employees

4. All monthly rates shall be increased \$12.00.

Yardmasters

5. All monthly rates shall be increased \$12.00.

6. All increases provided for in the foregoing paragraphs 1 to 5, both inclusive, shall be effective as of December 27, 1943.

[F. R. Doc. 44-875; Filed, January 17, 1944; 11:44 a. m.]

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

KLAMATH PROJECT, OREG.

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 8, 1943.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

KLAMATH PROJECT

WILLAMETTE MERIDIAN, OREGON

T. 40 S., R. 9 E.,
Sec. 15, N $\frac{1}{2}$ NE $\frac{1}{4}$; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 30, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JANUARY 6, 1944.

[F. R. Doc. 44-849; Filed, January 17, 1944; 10:18 a. m.]

SHOSHONE PROJECT, WYO.

REVOCATION OF FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 9, 1943.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Shoshone project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388), by departmental orders of April 20, 1928 and January 7, 1930, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked, provided that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter listed.

SHOSHONE PROJECT

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 99 W.,
Sec. 4, Lots 1, 2, SW $\frac{1}{4}$;
Sec. 5, Lots 1 to 9, inclusive, NE $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 6, Lots 1 to 6, inclusive, and lots 11 to 14, inclusive.
T. 57 N., R. 99 W.,
Sec. 2;
Sec. 27, S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$;
Sec. 28, S $\frac{1}{2}$;

Sec. 29, SE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$;
Secs. 30, 31 and 32;
Sec. 33, E $\frac{1}{2}$;
Sec. 34, N $\frac{1}{2}$ NE $\frac{1}{4}$, S $\frac{1}{2}$;
Sec. 35, E $\frac{1}{2}$, SW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 56 N., R. 100 W.,
Sec. 1;
Sec. 2, Lots 1 to 4, inclusive, lots 7 to 10, inclusive, SE $\frac{1}{4}$;
Sec. 3;
Sec. 13, E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$;
Sec. 27, NW $\frac{1}{4}$;
Sec. 28, 33 and 34;
Sec. 35, Lots 1 to 5, inclusive.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: December 30, 1943.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, and it is so ordered. The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the local land office to be noted accordingly.

MICHAEL W. STRAUS,
First Assistant Secretary.

JANUARY 6, 1944.

[F. R. Doc. 44-848; Filed, January 17, 1944; 10:18 a. m.]

Coal Mines Administration.

[Order CMA-14]

W. A. BARNES, ET AL.

ORDER TERMINATING GOVERNMENT POSSESSION

I have been advised that no strikes or stoppages have occurred since October 25 or are threatened in the coal mines of the mining companies listed in Appendix A. Based on such advice, and after consideration of all the circumstances, I find that the possession by the Government of such mines is not required for the furtherance of the war program.

Accordingly, I order and direct that the possession by the Government of the mines of the mining companies listed in Appendix A, attached hereto and made a part hereof, including any and all real and personal property, franchises, rights, facilities, funds, and other assets used in connection with the operation of such mines be, and it is hereby, terminated and that there be conspicuously displayed at those mining properties copies of a poster to be supplied by the Coal Mines Administration and reading as follows:

NOTICE: Government possession and control of the coal mines of this mining company have been terminated by order of the Secretary of the Interior.

Provided, however, That nothing contained herein shall be deemed to preclude the Government from requiring the submission of information relating to operations during the period of Government possession and control as provided in section 40 of the Regulations for the Operation of Coal Mines under Government Control, as amended (8 F.R. 6655,

10712, 11344), for the purpose of ascertaining the existence and amount of any claims against the United States so that the administration of the provisions of Executive Order No. 9393 (8 F.R. 14877) may be concluded in an orderly manner; And provided further, That except as otherwise ordered, the appointments of the Operating Managers for the mines of the companies listed in Appendix A shall continue in effect.

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX A

Name of Mining Company and Address

1. W. A. Barnes, 309 South Main Street, Masontown, Pennsylvania.
2. Lindey Bros. Coal Co., Rd. 1, Slippery Rock, Pennsylvania.
3. C. D. Moore Coal Mine, Portersville, Pennsylvania.
4. Chas. D. Norris Coal Company, R. D. #1, Harrisville, Pennsylvania.
5. William Piccolomini, 1007 Vine Street, Connellsville, Pennsylvania.
6. Simon W. Rider, Box 355, Charleroi, Pennsylvania.
7. Hugh W. Smith, R. D. #1, Lake Lynn, Pennsylvania.
8. Tri-County Fuel Company, 27 E. Commerce St., Youngstown, Ohio.
9. Thomas J. Wolfe, R. F. D. #1, Lake Lynn, Pennsylvania.
10. Young & Taylor Coal Co., R. D. #1, Oakdale, Pennsylvania.

[F. R. Doc. 44-794; Filed, January 15, 1944;
10:36 a. m.]

General Land Office.

[Order No. 158]

NOTICES OF FILING OF PLAT OF SURVEY OR RESURVEY, ETC.

In order to afford all persons interested an equal opportunity to apply for public lands which become subject to such applications because of the official filing of a plat of survey or resurvey, or of an order revoking a withdrawal or reservation, it is directed:

1. The notice of the official filing of such a plat, or the revocation order, shall provide:

(a) That it shall not become effective to change the status of the lands involved, except to the extent indicated therein, until 10:00 o'clock a. m., of the 63d day from the date on which it is signed, or for such other period as may be determined proper in the particular case;

(b) Subject to existing valid rights, for the filing of applications in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914, 43 L.D. 254), and 43 CFR Part 296, to the extent that these regulations are applicable.

2. Notice of the official filing of a township plat shall be given publicity as provided in 43 CFR 240.3 (Circ. 1486, March 4, 1941 (6 F.R. 1339)). Each order shall be given due publicity, dependent upon the circumstances of the case, including posting in the district land office, or this

office if there is no district land office in the State, until after the effective date specified therein.

FRED W. JOHNSON,
Commissioner.

Approved: January 7, 1944.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 44-871; Filed, January 17, 1944;
10:18 a. m.]

Solid Fuels Administration.

DEFICIENCY IN STOCK IN DESIGNATED NORTHEASTERN STATES

NOTICE TO PRODUCERS IN DISTRICT NO. 3

The necessity for shipping adequate supplies of bituminous coal to areas normally served by the Great Lakes, and to areas experiencing shortages in supplies of solid fuels has resulted in deficient stocks of bituminous coal to meet the requirements of retail dealers who supply household consumers and others with coal in the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and District of Columbia. In order to meet the present emergency in these states and to avoid hardship and suffering caused by lack of sufficient fuel, the following direction to producers in District No. 3, a district which normally serves these states, is issued pursuant to Executive Order No. 9332, issued by the President on April 19, 1943 (8 F.R. 5355), and Solid Fuels Administration for War Regulation No. 1 (8 F.R. 5832):

Each producer in District No. 3 (as described in the Annex to the Bituminous Coal Act of 1937) is hereby directed to ship on the first two operating days of the week of January 17, 1944, from each of his mines to his all-rail retail dealers in the above-mentioned states from whom he now has orders the entire production of all sizes covered by such orders. Any producer who does not have sufficient orders from retail dealers in the above-mentioned states to cover his entire production of domestic sizes during such period shall immediately communicate by telephone or telegraph with Mr. Allan Burk, Solid Fuels Administration for War, Department of the Interior, Washington, D. C., for directions concerning the shipment of such excess tonnage. (Mr. Burk's telephone number is Republic 1820, Extension 5191. His room number is 3343, New Interior Building.) Each such producer shall notify his retail dealer customers of these directions and advise him that shipments are made pursuant to Solid Fuels Administration for War directions.

Each such producer shall report in writing on or before January 24, 1944, to Mr. Burk, the name and location of each customer to whom coal is shipped in accordance with these directions and the tonnage shipped to each customer. In lieu of such report, any producer may

file with Mr. Burk a copy of each invoice covering the tonnage shipped in accordance with these directions. These directions take precedence over, but shall not otherwise alter, requirements of all other regulations, orders, or directions.

(E.O. 9332, 8 F.R. 5355, E.O. 9125, 7 F.R. 2719; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

NOTE: The reporting requirements of this direction have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of January 1944.

C. J. POTTER,
Deputy Solid Fuels
Administrator for War.

[F. R. Doc. 44-793; Filed, January 15, 1944;
10:36 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.
[Administrative Order 800]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 1, 1944.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 4-2026B4 Fulton.....	\$60,000
Florida 4-2015A3 Lafayette.....	20,000
Louisiana 4-2006C3 St. Mary.....	25,000
Montana 4-2021B1 Big Horn.....	41,000
Oregon 4-2021D1 Coos.....	405,000
Oregon 4-2021G1 Coos.....	114,500
Texas 4-3068C2 Cooke.....	20,000
Texas 4-1077B4 Johnson.....	15,000
Texas 4-3103B3 Polk.....	50,000
Wisconsin 4-3019F1 Chippewa.....	28,000

HARRY SLATTERY,
Administrator.

[F. R. Doc. 44-836; Filed, January 15, 1944;
3:02 p. m.]

[Administrative Order 801]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 10, 1944.

I hereby amend:

(a) Administrative Order No. 555, dated January 27, 1941, by reducing the allocation of \$500,000 therein made to "New York 1018E1 N. Y. S. E. & G." by \$237,128.08, so that the reduced allocation shall be \$262,871.92;

(b) Administrative Order No. 762, dated June 8, 1943, by rescinding the allocation of \$10,000 therein made to "Oregon 3025B2 Deschutes";

(c) Administrative Order No. 762, dated June 8, 1943, by rescinding the allocation of \$10,000 therein made to "Utah 3008C3 Duchesne";

(d) Administrative Order No. 730, dated September 14, 1942, by rescinding

the allocation of \$10,000 therein made to "Washington 3-1028A2 Kittitas District Public."

WILLIAM J. NEAL,
Acting Administrator.

[F. R. Doc. 44-837; Filed, January 15, 1944;
3:02 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

WESTERN UNION TELEGRAPH CO.

NOTICE OF HEARING

In the matter of the application of the Western Union Telegraph Company for permission to employ messengers at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938.

Whereas, the Western Union Telegraph Company, pursuant to Regulations, Part 523 (regulations applicable to employment of messengers pursuant to section 14 of the Fair Labor Standards Act of 1938) has made application for permission to employ messengers, employed exclusively in delivering letters and messages, at wages lower than the applicable minimum wage specified in section 6 of the act,

Now, therefore, pursuant to section 14 of the Fair Labor Standards Act of 1938 and § 523.5 of said regulations, Part 523, issued thereunder, notice is hereby given of a public hearing to be held in Room 1001, 165 West 46th Street, New York, New York, to commence at 10 a. m. on February 1, 1944 before Isabel Ferguson, a duly authorized representative of the Administrator, who is hereby authorized to receive evidence and hear argument on the following questions:

1. Is it necessary, in order to prevent curtailment of opportunities for employment, to provide by regulations or orders for the employment in the telegraph industry of messengers, employed exclusively in delivering letters or messages, under special certificates, at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act of 1938; and if such necessity is found to exist,

2. Under what limitations as to wages, time, number, proportion and length of service may special certificates be issued authorizing the employment of such messengers at subminimum wage rates.

Following the hearing, the presiding officer shall file with the Administrator a complete record of the proceedings together with her findings of fact and recommendations thereon.

Any interested person may appear at the hearing to offer evidence provided that no later than January 31, 1944 such person shall file with the Administrator of the Wage and Hour Division, United States Department of Labor, 165 West 46th Street, New York 19, New York, a notice of intention to appear containing the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the names and addresses

of the persons or organizations which he is representing.

3. A statement whether the appearance is in support of or in opposition to the application.

Such notice may be mailed to the Administrator and shall be considered filed upon receipt. Written statements in lieu of personal appearance may be mailed to the Administrator at any time prior to the date of hearing or may be filed with the presiding officer at the hearing.

Signed at New York, New York, this 11th day of January 1944.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 44-798; Filed, January 15, 1944;
11:05 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 934]

CONTINENTAL AIR LINES, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of the compensation for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith for Continental Air Lines, Inc., over routes Nos. 29, 43, and 60.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 406 and 1001 of said act, that hearing in the above-entitled proceeding now assigned to be heard on January 19, 1944, is hereby postponed to January 21, 1944, 10:00 a. m. (eastern war time) in Room 3237, Post Office Department, 12th Street and Pennsylvania Avenue NW., Washington, D. C., before Examiner Ross I. Newmann. Dated: Washington, D. C., January 15, 1944.

[SEAL] ROSS I. NEWMANN,
Examiner.

[F. R. Doc. 44-850; Filed, January 17, 1944;
10:37 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6046]

RATES AND CHARGES BETWEEN U. S. AND POINTS IN WEST INDIES AND CENTRAL AND SOUTH AMERICA

ORDER DENYING MOTION AND CONTINUING HEARING

In the matter of the investigation of the rates and charges applicable to communications between various points in the United States and various points in the West Indies, Central America, and South America. (T-29)

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of January 1944:

The Commission, having under consideration its order of December 28, 1943 herein, directing a further hearing with respect to the matter of rates and charges, and related practices, classifica-

tions, and regulations, for and in connection with telegraph communication service between the United States and Colombia, and having also under consideration a motion filed herein on January 5, 1944 by R. C. A. Communications, Inc., requesting a specification as to the respects in which its tariff schedules for telegraph service from Colombia to the United States are unlawful, or rescinding the order of December 28, 1943, herein, insofar as it has reference to its tariff schedules; and an opposition to said motion and a petition for enlargement of the issues, filed herein on January 10, 1944 by All America Cables and Radio, Inc.; and

It appearing that R. C. A. Communications, Inc., may have effected arrangements whereby no other United States carrier can charge rates as low as those being charged by R. C. A. Communications, Inc., for telegraph communication service northbound to the United States from Colombia;

It is ordered, That the above motion of R. C. A. Communications, Inc., be, and it is hereby, denied;

It is further ordered, That, without limiting the scope of the proceeding, the hearing shall also include the question of whether R. C. A. Communications, Inc. has entered into, maintained, or operated under any contract, agreement, understanding, or arrangement, written or oral, express or implied, which results in an undue preference to R. C. A. Communications, Inc., or an undue prejudice to other United States carriers in the rendition of communication service between the United States and Colombia, or which tends to create a monopoly of such communication service, contrary to the public interest, convenience or necessity; and, if any such situation exists, whether an appropriate modification of the radio station licenses of R. C. A. Communications, Inc. should be made.

It is further ordered, That the hearing heretofore directed to be held herein on the 26th day of January, 1944 be, and it is hereby, continued until the 9th day of February 1944, to begin at 10:00 a. m. at the offices of the Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-797; Filed, January 15, 1944;
10:47 a. m.]

NEWSPAPER OWNERSHIP OF RADIO STATIONS

NOTICE OF DISMISSAL OF PROCEEDING

The Commission on January 13, 1944, closed the record and dismissed the proceeding instituted pursuant to Orders 79 (6 F.R. 1580) and 79A (6 F.R. 3302) relating to newspaper ownership of radio stations.

The Commission has concluded, in the light of the record in this proceeding and of the grave legal and policy questions involved, not to adopt any general rule with respect to newspaper ownership of radio stations.

A summary of the evidence in the proceeding is being forwarded to the appro-

prate committees of the Senate and House of Representatives in order to inform them of the facts developed by the investigation and for any consideration which they may desire to give the matter.

Aside from the specific question of common ownership of newspapers and radio stations, the Commission recognizes the serious problem involved in the broader field of the control of the media of mass communications and the importance of avoiding monopoly of the avenues of communicating fact and opinion to the public. All the Commissioners agree to the general principle that diversification of control of such media is desirable. The Commission does not desire to discourage legally qualified persons from applying for licenses, but does desire to encourage the maximum number of qualified persons to enter the field of mass communications, and to permit them to use all modern inventions and improvements in the art to insure good public service.

In the processing of individual applications for licenses, the Commission will inquire into and in its decisions give expression to "public interest" considerations. The Commission does not feel that it should deny a license merely because the applicant is engaged or interested in a particular type of business. However, it does not intend in granting licenses in the public interest to permit concentration of control in the hands of the few to the exclusion of the many who may be equally well qualified to render such public service as is required of a licensee.

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 44-862; Filed, January 17, 1944;
10:15 a. m.]

FEDERAL POWER COMMISSION.

[Docket IT-5829]

ARKANSAS POWER & LIGHT COMPANY

ORDER FIXING DATE OF HEARING

JANUARY 13, 1944.

It appearing to the Commission that: (a) On June 3, 1940, Arkansas Power & Light Company (hereinafter sometimes referred to as "Company") filed its purported reclassification and original cost studies pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Commission's order of May 11, 1937, pertaining thereto;

(b) The staff of this Commission, in collaboration with the staff of the Department of Public Utilities of Arkansas, made a field examination of the Company's studies and submitted a report to this Commission covering such examination entitled "Arkansas Power & Light Company, Pine Bluff, Arkansas, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(c) The said report was served on the Company, together with an order adopted on June 15, 1943, requiring the Company to show cause, under oath, if any there be, why the Commission should not by order find, determine and direct that the Company comply with the recommendations contained in the staff report;

(d) The report proposed that the Company classify \$16,610,196.85 in Account 107, Electric Plant Adjustments; \$1,108,440.24 in Account 100.5, Electric Plant Acquisition Adjustments; dispose of \$2,402,515.42 of the amount in Account 107, as set out on page 33 of the staff report; and submit plans for the disposition of the remainder of \$14,207,681.43 in Account 107 and of the \$1,108,440.24 in Account 100.5;

(e) The report also proposed that the Company classify \$45,551,920.00 in Account 100.6, Electric Plant in Process of Reclassification, and \$2,293,567.58 in various Plant in Process of Reclassification Accounts within Account 108, Other Utility Plants, and that the Company prepare and submit to this Commission revised reclassification and Original Cost Studies respecting these amounts in conformity with the requirements of this Commission's Uniform System of Accounts and its order of May 11, 1937, pertaining thereto;

(f) On September 18, 1943, the Company filed its response to the order of June 15, 1943, in which the Company has in effect proposed to classify \$7,920,276.85 of its Electric Plant as of December 31, 1936, in Account 107, Electric Plant Adjustments, and \$10,300,628.47 of its Electric Plant in Account 100.5, Electric Plant Acquisition Adjustments, and Plant Acquisition Adjustments within Account 108, Other Utility Plant; such foregoing amounts include approximately \$1,666,652.22 of adjustments classified by the staff in Account 100.6, Electric Plant in Process of Reclassification, pending further study;

(g) Thereafter conferences were held between representatives of the Company, this Commission, and the Department of Public Utilities of Arkansas, as a result of which the issues outlined by the order of June 15, 1943, and the response of the Company thereto, may be substantially narrowed, but said conferences failed to produce complete agreement on such issues.

The Commission finds that:

It is appropriate, to carry out the provisions of the Federal Power Act, that a public hearing be held in this matter.

The Commission orders that:

(a) A public hearing be held, commencing on February 16, 1944, at 9:45 a. m. (c. w. t.) in Little Rock, Arkansas, at a place to be hereafter designated, for the purpose of determining the issues raised by the order of June 15, 1943, and the Company's response thereto;

(b) In accordance with the provisions of the Federal Power Act, the burden of proof with respect to the issues shall be upon Arkansas Power & Light Company;

(c) At said hearing, Arkansas submit plans for the disposition of any and all amounts proposed for reclassification in Account 100.5, Electric Plant Acquisition

Adjustments, and Account 107, Electric Plant Adjustments;

(d) The Department of Public Utilities of Arkansas may participate in the hearing as provided in Part 39, § 39.4, of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

LEON M. FUQUAY,
Secretary.

[F. R. Doc. 44-792; Filed, January 15, 1944;
9:56 a. m.]

[Docket Nos. G-507, G-508, G-510, G-516,
G-519]

HOPE NATURAL GAS CO., ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

JANUARY 14, 1944.

In the matters of Hope Natural Gas Company, Docket No. G-507; New York State Natural Gas Corporation, Docket No. G-508; The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Docket No. G-510; United Fuel Gas Company, Docket No. G-516; Home Gas Company, Docket No. G-519.

(a) Upon consideration of the application filed November 15, 1943, Hope Natural Gas Company, Docket No. G-507, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) 18 miles of 12¾-inch natural-gas transmission pipe line extending from Hope Natural Gas Company's existing Hastings Compressor Station in Wetzel County, West Virginia, to the West Virginia-Pennsylvania state boundary line near Hundred, Wetzel County, West Virginia;

(ii) Two additional steam-engine-driven natural-gas compressors at Hope Natural Gas Company's Hastings Compressor Station aggregating 4,000 horsepower, with additional boiler and auxiliary equipment; and

(b) Upon consideration of the application filed November 15, 1943, by New York State Natural Gas Corporation, Docket No. G-508, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize construction and operation of 127 miles of 12¾-inch natural-gas transmission pipe line extending from a point of connection with the pipe line described in (a) (i) on the boundary line between Greene County, Pennsylvania, and Wetzel County, West Virginia, in a northeasterly direction to a terminal point in Limestone Township, Clarion County, Pennsylvania; and

(c) Upon consideration of the joint application filed November 29, 1943, by the Manufacturers Light and Heat Company (hereinafter referred to as "Light and Heat") and Manufacturers Gas Company (hereinafter referred to as "Manufacturers"), Docket No. G-510, as amended by joint application filed January 1, 1944, by Light and Heat, Manu-

facturers and Pennsylvania Fuel Supply Company (hereinafter referred to as "Pennsylvania"), for certificates of public convenience and necessity under section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) Light and Heat proposes to construct 900 feet of 20-inch and 11 miles of 16-inch loop pipe line beginning at point of the existing interconnection between 16-inch lines of Light and Heat and United Fuel Gas Company at Miller Farm in Sandhill District, Marshall County, West Virginia, and extending in a northeasterly direction to a point near Light and Heat's Donegal Compressor Station located in Donegal Township, Washington County, Pennsylvania, where the proposed line would be connected with a 16-inch loop line of Light and Heat extending northeast a distance of 30 miles to the Hix Farm in Findley Township, Allegheny County, Pennsylvania. From that point on the Hix Farm, Light and Heat proposes to construct 12 miles of 16-inch loop line in a northerly direction to the Town of Monaca, Beaver County, Pennsylvania, to connect into Light and Heat's 16-inch line extending to Ellwood City Compressor Station at the Beaver-Lawrence County Line;

(ii) Light and Heat proposes to construct a total of five miles of 12-inch suction and discharge piping between points on its existing 12-inch and 16-inch pipe lines and its Porters Falls Compressor Station;

(iii) Light and Heat proposes to dismantle and remove two 1100 hp. gas compressors from its Hundred, West Virginia, Compressor Station, two 1100 hp. gas compressors from its Sedalia, West Virginia, Compressor Station, and one 825 hp. gas compressor from its Rosbys Rock Compressor Station, and to install those units, together with one 1000 hp. gas compressor proposed to be purchased from its affiliate, United Fuel Gas Company, at its proposed Hughes River site, Murphy District, Ritchie County, West Virginia, together with other facilities necessary to construct a 6200 hp. gas compressor station complete with auxiliaries, cooling equipment, dehydration plant, piping, buildings and appurtenances;

(iv) Light and Heat proposes to install an additional 1300 hp. gas compressor at its Ellwood City Compressor Station, Pennsylvania, and to enlarge its existing dehydration plant at that location;

(v) Light and Heat proposes to construct 21.5 miles of 10-inch loop pipe line beginning at Chewton, Butler County, Pennsylvania, and extending east to Pennsylvania's Rimersburg Compressor Station, Clarion County, Pennsylvania;

(vi) Light and Heat proposes to make additions to its existing Porters Falls Compressor Station and dehydration plant;

(vii) Light and Heat proposes to dismantle and remove one 400 hp. gas compressor from its State Line Compressor Station and to erect the same with necessary cylinder changes, after-cooling, piping, valves and fittings necessary to connect the same with Light and Heat's

present discharge line at its Sedalia Compressor Station and provide for two-stage operation of that station;

(viii) Pennsylvania proposes to construct 12.2 miles of 10-inch loop pipe line beginning at the Rimersburg Compressor Station and extending to Truittsburg, Clarion County, Pennsylvania;

(ix) Manufacturers proposes to construct 15.3 miles of 10-inch loop pipe line beginning at Truittsburg, Clarion County, Pennsylvania, and extending to the Iowa Compressor Station, Pine Creek Township, Jefferson County, Pennsylvania. From the latter point, Manufacturers proposes to construct 30 miles of 8-inch line extending in a northerly direction to a point near McKinley Compressor Station, Elk County, Pennsylvania;

(x) Manufacturers proposes to install an additional 1600 hp. gas compressor at its Iowa Compressor Station and enlarge the existing hydrocarbon control plant at that location; and

(d) Upon consideration of the application filed December 29, 1943, by United Fuel Gas Company (hereinafter referred to as "United"), Docket No. G-516, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) United proposes to dismantle and remove one 450 hp. gas compressor from its Buff Lick Compressor Station in Kanawha County, West Virginia, and erect the same at its Glenville Compressor Station in Gilmer County, West Virginia;

(ii) United proposes to dismantle and remove one 600 hp. gas compressor from its Goldtown Compressor Station in Jackson County, West Virginia, and erect the same at the Carnegie Compressor Station in Wetzel County, West Virginia, which station is owned by Carnegie Illinois Steel Corporation but operated by United;

(iii) United proposes to install four 13" x 36" compressor cylinders on three of the present existing gas compressors at its Spencer Compressor Station, Spencer, West Virginia; and

(e) Upon consideration of the application filed January 1, 1944, by Home Gas Company (hereinafter referred to as "Home"), Docket No. G-519, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize the construction and operation of the following described facilities:

(i) Home proposes to acquire from Producers Gas Company of Olean, New York, approximately 10.05 miles of 6-inch pipe line extending in an easterly direction from Olean, New York, parallel to Home's existing pipe lines;

(ii) Home proposes to lease from Empire Gas and Fuel Company, Ltd. of Wellsville, New York, and to operate 21 7/8 miles of 6-inch pipe line, which line is an extension of the line described in (e) (i) above;

(iii) Home proposes to construct several crossover connections between the pipe line proposed to be acquired, referred to in (e) (i) above, and the pipe line proposed to be leased, referred to in (e) (ii) above, with Home's present pipe line and in connection therewith to construct five

orifice meter stations and one positive meter station;

(iv) Home proposes to install at its Wellsville, New York, Compressor Station, one 160 hp. gas compressor and in connection therewith to install two new compressor cylinders; and

(f) Upon consideration of the joint petition filed December 31, 1943, by The Manufacturers Light and Heat Company, Manufacturers Gas Company, and Pennsylvania Fuel Supply Company, Applicants in Docket No. G-510, requesting that for the purpose of hearing such proceeding be consolidated with the proceedings in Docket Nos. G-507, G-508, G-516, and G-519; and the joint protest thereto of Hope Natural Gas Company and New York State Natural Gas Corporation filed January 8, 1944; and

It appearing to the Commission that:

(1) The proposed project of Hope Natural Gas Company and New York State Natural Gas Corporation is for the purpose of supplying New York State Natural Gas Corporation approximately 15,000 Mcf per day and, in addition, to supply approximately 20,000 Mcf per day to United Natural Gas Company, Republic Light, Heat and Power Company, Inc., North Penn Gas Company, Alleghany Gas Company, Godfrey L. Cabot, Inc., and Empire Gas and Fuel Company;

(2) The project proposed by The Manufacturers Light and Heat Company, Manufacturers Gas Company, Pennsylvania Fuel Supply Company, United Fuel Gas Company and Home Gas Company is for the purpose of supplying approximately 20,000 Mcf of natural gas per day to United Gas Company, North Penn Gas Company, Penn-York Natural Gas Corporation and Producers Gas Company;

(3) The proposed construction and operation of the facilities involved in Docket Nos. G-507 and G-508 are for the purpose of meeting substantially the same natural gas requirements in the northern Pennsylvania and western New York area as that involved in Docket Nos. G-510, G-516 and G-519;

(4) The above entitled proceedings may involve substantially similar issues and facts;

(5) Good cause exists for consolidating the above matters for the purpose of hearing thereof;

The Commission orders that:

(A) All of the above entitled proceedings be and they are hereby consolidated for the purposes of hearing;

(B) A public hearing be held commencing on January 26, 1944, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in these proceedings;

(C) Interested State commissions may participate in this hearing as provided in Section 67.4 of the Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL]

LEON M. FUQUAY,
Secretary.

FOREIGN ECONOMIC ADMINISTRATION.

[Case No. 26]

SIGFRIED OLSEN SHIPPING CO.

ORDER FOR THE DENIAL OF LICENSING PRIVILEGES

In the matter of Sigfried Olsen Shipping Company, One Drumm Street, San Francisco, California.

Pursuant to Part 807 of the regulations, adopted under section 6 of the Act of July 2, 1940, as amended, the Trade Intelligence Division of the Office of Exports, Office of Economic Warfare (now Trade Intelligence Division of the Requirements and Supply Branch, Foreign Economic Administration) charged the respondent herein with the violation of section 6 of the Act of July 2, 1941, as amended, and the regulations adopted pursuant thereto. After due notice the respondent requested an oral hearing in accordance with § 807.7 of said regulations. The matter came on for oral hearing before Kelly Kash, Compliance Commissioner for the Administration. Respondent appeared and was represented by counsel.

The Compliance Commissioner received the evidence presented and after due consideration of the record on the 11th day of January 1944 filed his findings of fact and recommendation in this matter. Said findings show that Sigfried Olsen Shipping Company, One Drumm Street, San Francisco, California, is and was on the dates herein mentioned, a trade name adopted by Sigfried Olsen, under which name he has been carrying on a shipping business with his principal office at the above address; that on or about February 21, 1943, respondent caused to be loaded and shipped on the S. S. Igor 5,000 sacks of Portland Cement under Shipper's Export Declaration No. 28719 dated February 5, 1943, naming R. W. Hebard and Company, Balboa, Canal Zone, consignee; that said 5,000 sacks of cement were the subject of much correspondence between respondent and one N. P. Severin Company as a result of which Severin advised that the 5,000 sacks would be of no use to them but notwithstanding cement was loaded on board the ship which sailed on or about February 20, 1943; that the bill of lading for said shipment apparently dated February 18, 1943, refers to Export Declaration 28719 with consignee shown as "Order of Shipper", notice to be addressed to R. W. Hebard Company, Balboa, Canal Zone; that at the time the cement was in transit advice was given respondent that said Hebard Company was not interested in the purchase of additional cement; that no freight space application had been submitted for this shipment; that while this shipment was in transit respondent, not having received advice from Severin Company as to its desire to accept the shipment, undertook to arrange delivery to R. W. Hebard Company; that upon refusal of Hebard Company to accept delivery respondent changed the "Notify Party" on the bill of lading from Hebard to Almacenes Martinez, Republic of Panama, from whom orders had been received in

October 1942 and for whom freight space applications had been submitted for other shipments and approved on March 17, 1943; that respondent, on or about April 1, 1943, shipped 150 bags of soda ash to one Christian I. Hayer, Panama, Republic of Panama, pursuant to freight space and License Number K-190766 wherein it was stated that respondent was in possession of a bona fide order from the proposed consignee; that an order and letter of credit had been sent by the consignee to respondent but that prior to shipment said letter of credit was withdrawn and that shipment was refused by Hayer and subsequently placed in storage in Panama; that respondent filed or caused to be filed an application for license and freight space, Form BEW 166, No. K-190767, for the exportation of 100 drums of caustic soda to Christian I. Hayer, Panama, Republic of Panama; that previous orders had been given by this consignee and letter of credit established, but that said letter of credit was withdrawn although there had not been any final and effective withdrawal of the order; that one Ricardo A. Miro under date of January 7, 1943, advised respondent that if the orders for the 150 bags of soda ash and 100 drums of caustic soda were not shipped before the expiration of the extended credits, he would consider the orders cancelled; that the application for and granting of license K-190767 shows that the orders for this commodity were not effectively cancelled; that much correspondence between respondent's San Francisco and Balboa offices and proposed purchasers regarding shipments referred to herein indicate cancellation of the orders, though the proposed purchasers and respondent completed certain transactions by delivery of portions of the commodities referred to, and with final approval of the Administration; that the attitude of respondent is shown by a letter dated February 12, 1943 from Sigfried Olsen to Mr. Paul P. Harving of New York wherein an attempt is made to explain his "unorthodox methods of procedure"; that although respondent refers to the transaction respecting the 5,000 bags of cement as being "unorthodox", the fact that the shipment was made without disclosing at the start the true name of the consignee, and the changing the name of the consignee while the shipment was en route, were not only "unorthodox" acts, but were violations of the export control laws and regulations; that while the other transactions herein referred to do not indicate the same measure of lack of respect for the export control laws and regulations, they do show a disposition on the part of respondent to disregard the regulations and act independently of their requirements. The Commissioner has recommended that the suspension of licensing privileges from the date of the charging letter to the date of the filing of his recommendations be deemed sufficient disciplinary action against respondent.

The undersigned having considered the findings and recommendations of the Compliance Commissioner has determined that the Findings of Fact are amply supported by the evidence. How-

ever, the undersigned is unable to adopt, without modification, the recommendation made by the Compliance Commissioner concerning the disciplinary action which should be taken. Not unmindful of the considerations which the Compliance Commissioner recites in mitigation of any proper penalty, I believe that the nature of the violations are sufficiently serious and demonstrate a wilful or at least a negligent disregard of export control regulations as to require the imposition of a longer suspension than that recommended. The violations in question are those which took place after export control had been long established. Respondent was fully cognizant of those regulations and I cannot read the record as demonstrating anything other than a disregard of the regulations adopted as wartime measures to control American exports. In these circumstances I have determined to modify the recommendation of the Commissioner by ordering a suspension of respondent's licensing privileges until February 29, 1944.

Now, therefore, it is determined and ordered, That the respondent, Sigfried Olsen Shipping Company, and any person, association, or organization acting in its behalf or for its account be and each of them is hereby denied the privilege of obtaining individual, or any other type of export license or release certificate and is denied the use of any general or other type of export license authorizing any exportation whatsoever from the United States until February 29, 1944, and that all presently outstanding export licenses or release certificates issued to said respondent be and the same are hereby revoked.

(Sec. 6, 54 Stat. 714; Pub. Law 75, 77th Cong.; Pub. Law 638, 77th Cong.; E.O. 9361, 8 F.R. 9861; Order No. 1, 8 F.R. 9938; E.O. 9380, 8 F.R. 13081; Delegation of Authority No. 20, 8 F.R. 16235; Delegation of Authority No. 21, 8 F.R. 16320)

Dated: January 13, 1944.

J. C. FOULIS,
Deputy Director,
Requirements and Supply,
Branch, Bureau of Supplies.

[F. R. Doc. 44-778; Filed, January 14, 1944;
2:37 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4784]

CONGOLEUM-NAIRN, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive

evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 19, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 44-799; Filed, January 15, 1944;
11:13 a. m.]

[Docket No. 4965]

UNITED STATES FORWARDING SYSTEM, ET AL.
ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of David Rosenthal and Benjamin Peisachow, individually and trading as United States Forwarding System, et al.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 1, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 23, Old Federal Building, Rochester, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 44-818; Filed, January 15, 1944;
11:13 a. m.]

[Docket No. 5099]

NEW JERSEY SERVICE CO., INC., ET AL.
ORDER APPOINTING TRIAL EXAMINER AND FIX-
ING TIME AND PLACE FOR TAKING TESTI-
MONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of James O. Keane, an individual, New Jersey Service Company, Inc., a corporation and John J. McCoomy, Katherine M. Higgins, and Mary A.

Keane, individually and as officers of New Jersey Service Company, Inc., and Dorothy Boyden, an individual.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidences in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, January 25, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 3050, Court House Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 44-800; Filed, January 15, 1944;
11:13 a. m.]

[Docket No. 5100]

ATLANTIC COMMERCIAL AGENCY, INC., ET AL.
ORDER APPOINTING TRIAL EXAMINER AND
FIXING TIME AND PLACE FOR TAKING
TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1944.

In the matter of Atlantic Commercial Agency, Inc., a corporation, Gerald H. Strickland and G. Russell Walsh, individually and as managers of Atlantic Commercial Agency, Inc., and S. Mortimer Hirshorn, and Dorothy Boyden, individuals.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 24, 1944, at ten o'clock in the forenoon of that day (eastern standard time), in Room 3050, Court House Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL]

A. N. Ross,
Acting Secretary.

[F. R. Doc. 44-801; Filed, January 15, 1944;
11:13 a. m.]

OFFICE OF DEFENSE TRANSPORTA-
TION.

[Rev. ODT 3, Supp. Order 147]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN POINTS
IN KENTUCKY AND OHIO

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Hayes Freight Lines, Inc. (A corporation), Mattoon, Illinois, and Union Transfer & Storage Company (A corporation), Lexington, Kentucky, to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6639, 7694; 8 F.R. 4660, 14582) a copy of which plan is attached hereto as Appendix 1,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such

¹ Filed as part of the original document.

plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-147," and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective January 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of January 1944.

JOSEPH B. EASTMAN,
Director,

Office of Defense Transportation.

[F. R. Doc. 44-796; Filed, January 15, 1944;
10:46 a. m.]

PRIVATE AND CONTRACT CARRIERS

COORDINATED OPERATIONS

In order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following methods and procedure for joint action by private carriers and contract carriers, as well as persons using the services of for-hire carriers, are promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

1. *Purpose of recommendation.* The purpose of this recommendation is to enable private carriers and contract carriers, as well as persons using the services of for-hire carriers, to cooperate with each other and with the Office of Defense Transportation in respect of the

collection or delivery of property by motor vehicle in such manner as will result in conservation and provident utilization of vital transportation equipment, materials and supplies, will provide for the prompt and continuous movement of necessary traffic, and will otherwise aid in accomplishing the purposes and requirements of General Order ODT 17, as amended (7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 12750, 14582).

2. *Joint action plans.* (a) Any two or more of such carriers or other persons (herein called participants) may enter into a joint action plan designed to accomplish the objectives of this recommendation by any one or more of the following described methods:

(1) Jointly operate collection and delivery vehicles, pool collections or deliveries for customers or patrons in the same neighborhood, collect or deliver orders for each other, or refer persons seeking any product or service to other participants, whenever any such action will reduce mileage operated by collection and delivery vehicles.

(2) Fill orders from each other's supplies of merchandise, for the purpose of reducing mileage of collection and delivery vehicles by making delivery from a point of supply nearer the customer or patron to be served.

(3) Lease or rent collection and delivery vehicles, with or without drivers and helpers, in order to achieve more efficient utilization of such vehicles.

(4) Exchange customers in outlying areas when so doing will result in the conservation or more efficient utilization of collection and delivery vehicles and will be with the customer's express consent.

(5) Adopt one or more of the following operating rules or practices: no collection and delivery vehicle will be started from the premises of a participant earlier than a certain hour, or unless fully loaded, except in emergencies; advance notice, except in emergencies, will be required for collections or deliveries; no orders will be accepted for collection or delivery at a specific time of day; service will not be performed within a given time unless the order therefor is received before a certain hour; before attempting collection or delivery, definite arrangements will be made to assure acceptance of such service by customer or patron; collections and deliveries of property will be made at the same time; minimum quantities, by weight or volume, for collections or deliveries will be prescribed: *Provided*, That no person will be precluded by such rule from receiving needed goods, supplies or services; limitations on frequency of collection or delivery within specific zones or areas will be established: *Provided, however*, That each such rule or practice adopted shall be administered fairly and without unjust discrimination as between consumers.

(6) Appoint one or more of their own number, or any other persons, to act as their individual, common, or joint agents in effecting joint action by any of the above-mentioned methods.

(b) No provision in this recommendation shall be construed to approve or

imply approval of any program, agreement, act, or discussion relating (but not limited) to (1) the fixing of prices or of the terms and conditions for the purchase or sale of any product, service or thing, except for the adjustment of accounts between the participants in respect of the permissible action under this recommendation; (2) the allocation of territorial markets or distributors among participants, or the allocation of products among customers; (3) the establishment by the participants of a joint or common selling agent or instrumentality on behalf of the participants; (4) the exchange or allocation of customers by the participants except as provided in section 2 (a) (4) of this recommendation; (5) the use of any coercion, direct or indirect, to secure participation of any individual, company or group in the permissible action under this recommendation; or (6) boycott by two or more participants of any manufacturer, distributor, consumer, or other person.

(c) Such joint action plans shall be in writing, signed by all participants, and should state: (1) the territory involved; (2) the full legal names and the addresses of all participants; (3) the specific method or methods of joint action to be used; (4) the practical application of these methods to the particular operation of the participants; (5) an estimate and explanation of the conservation to be accomplished; (6) the effect, if any, of the proposed joint action on the maintenance of adequate transportation service; and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(d) Such joint action plans shall be filed with the Office of Defense Transportation through its appropriate District Manager, Division of Motor Transport.

(e) Each such joint action plan will be reviewed by the General Counsel of the Office of Defense Transportation; and if it appears that the plan conforms to the provisions of this recommendation, and that effectuation of such plan will accomplish substantial conservation and more efficient utilization of motor transportation equipment, materials and supplies, consistent with the maintenance of adequate transportation service, he will approve the plan; and thereupon the Office of Defense Transportation will direct those who have agreed, or who shall thereafter agree, to participate in the plan, to put it into effect. True copies of the plan will be transmitted to the Chairman of the War Production Board and the Attorney General.

(f) Other persons engaged in the same business, desiring to participate in the plan, and willing to be bound by the terms thereof, may petition the Office of Defense Transportation for authorization to be included therein, and, upon receiving authorization, shall become participants in the plan.

3. *Records; inspection.* Participants in joint action plans approved under this recommendation each shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of

1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

4. *Termination.* This recommendation shall remain in full force and effect until 6 months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

Issued at Washington, D. C., this 8th day of January 1944.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-865; Filed, January 17, 1944;
11:25 a. m.]

PETROLEUM AND OTHER LIQUID TRANSPORT ADVISORY COMMITTEES

COORDINATED OPERATIONS

In order to conserve and providently utilize vital transportation equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, the following provisions for the establishment and functioning of industry transportation advisory committees for petroleum and other liquid products are promulgated and recommended to the Chairman of the War Production Board for approval under section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

1. *Purpose of recommendation.* The purpose of this recommendation is to enable persons who transport petroleum and other liquid products in tank trucks to wholesale and retail distributors and military, private and commercial consumers to cooperate with each other and with the Office of Defense Transportation in the transportation of petroleum and other liquid products in tank trucks in such manner as will result in conservation and provident utilization of tank truck equipment and facilities and as will provide, in so far as possible, for the prompt and continuous movement of available supplies of petroleum and other liquid products to such distributors and consumers.

2. *Petroleum and other liquid transport advisory committees—(a) Appointment.* The Office of Defense Transportation will appoint a National ODT Tank Truck Advisory Committee, which shall be nationally representative of the private and for-hire carriers by tank truck and distributors of petroleum and other liquid products; and, when deemed necessary, will appoint Regional and State ODT Tank Truck Advisory Committees and Regional, State and District Committees on Local Delivery, or Regional or State Joint ODT Tank Truck Advisory Committees, which shall be representa-

tive of the private and for-hire carriers by tank truck and distributors of petroleum and other liquid products within the particular territory.

(b) *Temporary subcommittees.* Any of such committees may appoint a Temporary Subcommittee at any time to investigate and to report to it on any matter within its cognizance. Such temporary subcommittees shall be dissolved upon completion of their particular assignments.

(c) *Functions.* Such committees, within their respective territories, shall confine themselves to collecting and analyzing information, studying and developing plans for the coordination and most effective use of existing domestic facilities for the transportation of petroleum and other liquid products for the prosecution of the war, and making recommendations thereon to the Office of Defense Transportation. They shall not undertake to determine policies in regard thereto for the transportation industry, nor shall they attempt to compel or coerce anyone to comply with any request or order made by public authority. All requests for action on the part of carriers shall be made by the Office of Defense Transportation and not by the committees.

3. *Joint action plans.* (a) Any two or more persons who transport petroleum or other liquid products to wholesale or retail distributors, to private and commercial consumers, or to the armed forces of the United States may enter into a joint action plan designed to accomplish the objectives of this recommendation by any one or more of the following described methods:

(1) Jointly operating delivery vehicles, pooling of deliveries to receivers in the same neighborhood or zone, or delivering orders for the account of each other, whereby mileage of delivery vehicles will be reduced or greater efficiency achieved in the handling of petroleum and other liquid products.

(2) Furnishing trucks, drivers and helpers, and other equipment and employees to assist each other in the operation, inspection, repairing and maintenance of transportation equipment in order to increase operating efficiency.

(3) Filling orders from each other's supplies of petroleum or other liquid products for the purpose of reducing mileage of delivery vehicles by making deliveries from storage facilities nearer the receiver to be served.

(4) Leasing or renting of delivery vehicles, with or without drivers and helpers, in order to achieve more efficient utilization of delivery vehicles in the transportation of petroleum and other liquid products.

(5) Adopting operating rules or practices by which: advance notice, except in emergencies, will be required for delivery; no orders will be accepted for delivery at a specific time of day; before attempting delivery, definite arrangements will be made to assure acceptance of delivery by receiver; minimum quantities for deliveries will be prescribed: *Provided*, That no receiver unable to purchase or receive delivery of the minimum quantity shall be precluded by such rule from receiving

needed supplies of petroleum or other liquid products and no retail outlet shall be precluded by such a rule from maintaining a selection of products capable of meeting public demand; limitations on frequency of delivery or service to specific zones or areas will be established: *Provided, however*, That each such rule or practice adopted shall be administered fairly and without unjust discrimination as between consumers.

(6) Appointing one or more of their own number, or any other persons, to act as their individual, common, or joint agents in effectuating joint action by any of the above-mentioned methods.

(b) No provision in this recommendation shall be construed to approve or imply approval of any program, agreement, act, or discussion relating (but not limited) to (1) the fixing of prices or of the terms and conditions for the purchase or sale of any product, service or thing, except for the adjustment of accounts between the participants in respect of the permissible action under this recommendation; (2) the allocation of territorial markets or distributors among participants, or the allocation of products among customers; (3) the establishment by the participants of a joint or common selling agent or instrumentality on behalf of the participants; (4) the exchange or allocation of customers by the participants; (5) the use of any coercion direct or indirect to secure participation of any individual, company or group in the permissible action under this recommendation; or (6) boycott by two or more participants of any manufacturer, distributor, consumer, or other person.

(c) Such joint action plans shall be in writing, signed by all participants, and should state (1) the territory involved, (2) the full legal names and the addresses of all participants, (3) the specific method or methods of joint action to be used, (4) the practical application of these methods to the particular operations of the participants, (5) an estimate and explanation of the conservation to be accomplished, (6) the effect of the proposed joint action on the maintenance of adequate transportation service for the delivery of petroleum and other liquid products, and (7) the name and address of a person to whom communications in respect of the plan may be sent.

(d) True copies of all such joint action plans shall be filed with the Office of Defense Transportation, Division of Petroleum and Other Liquid Transport, Washington 25, D. C.

(e) Each such joint action plan will be reviewed by the General Counsel of the Office of Defense Transportation; and if it appears that the plan conforms to the provisions of this recommendation, and effectuation of such plan will accomplish substantial conservation and more efficient utilization of motor transportation equipment, materials and supplies, consistent with maintaining adequate transportation service for the delivery of petroleum and other liquid products, he will approve the plan; and thereupon the Office of Defense Transportation will direct those who have agreed, or who shall thereafter agree, to partici-

pate in the plan, to put it into effect. True copies of the plan will be transmitted to the Chairman of the War Production Board and the Attorney General.

(f) Other persons engaged in the same business, desiring to participate in the plan, and willing to be bound by the terms thereof, may petition the Office of Defense Transportation for authority to be included therein.

4. *Establishment of regions.* For the purpose of this recommendation the United States is divided with the following regions: Region 1, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut; Region 2, New York, New Jersey, and Pennsylvania; Region 3, Delaware, District of Columbia, Maryland, Virginia, and West Virginia; Region 4, North Carolina, South Carolina, Georgia, and Florida; Region 5, Kentucky, Tennessee, Alabama, and Mississippi; Region 6, Ohio, Indiana, Illinois, Michigan, and Wisconsin; Region 7, Minnesota, North Dakota, South Dakota, Iowa, and Nebraska; Region 8, Missouri, Kansas, and Oklahoma; Region 9, Arkansas, Louisiana, and Texas; Region 10, Montana, Wyoming, Colorado, and New Mexico; Region 11, Utah and that portion of Idaho lying south of the line dividing Pacific and Mountain Time Zones; Region 12, Oregon and Washington and that portion of Idaho lying north of the line dividing Pacific and Mountain Time Zones; Region 13, Arizona, California, and Nevada.

5. *Records.* Each committee established pursuant to this recommendation and participants in joint action plans under this recommendation shall prepare and maintain such records, and make such reports, as the Office of Defense Transportation may prescribe subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942. Such records shall be available for examination and inspection at all reasonable times by any accredited representative of the Office of Defense Transportation.

6. *Termination.* This recommendation shall remain in full force and effect until 6 months after the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation may designate, or until any certificate issued in respect of this recommendation shall have been withdrawn by the Chairman of the War Production Board in the manner provided by section 12, Public Law 603, 77th Congress (56 Stat. L. 357).

Issued at Washington, D. C., this 8th day of January 1944.

JOSEPH B. EASTMAN,

Director,

Office of Defense Transportation.

[F. R. Doc. 44-866; Filed, January 17, 1944; 11:27 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Joint Order, Amdt. 1]

CERTIFICATION OF LIVE CATTLE PRICES AT POINTS OTHER THAN CHICAGO AND IN LINE WITH CHICAGO PRICES

"Certification of Live Cattle Prices at Points other than Chicago and in line with Chicago Prices" issued by the Administrator of the Office of Price Administration and the Administrator of the War Food Administration on December 18, 1943, is amended in the following respects:

1. The zone description of Nebraska and South Dakota in paragraph 1 (a) Zone 5 is amended to read as follows:

Nebraska, but excluding the city of Omaha. South Dakota, but excluding the city of Sioux Falls.

2. The zone description of Wisconsin in paragraph 1 (a) Zone 8 is amended by substituting the county "Iron" for the county "Iran" appearing therein.

3. Paragraph 1 (a) Zone 23 is amended by adding the following item to read as follows:

Georgia—all that portion of Georgia west and northwest of and including the counties of Columbia, McDuffie, Warren, Glascock, Washington, Johnson, Laurens, Dodge, Wilcox, Ben Hill, Irwin, Tift, Colquitt and Thomas.

Issued and effective this 14th day of January 1944.

JAMES F. BROWNLEE,
Acting Administrator,
Office of Price Administration.

MARVIN JONES,
Administrator,
War Food Administration.

JANUARY 7, 1944.

[F. R. Doc. 44-780; Filed, January 14, 1944; 4:10 p. m.]

Regional and District Office Orders.

[Region VI Order G-19 Under SR 15, MPR 280 and MPR 329]

FLUID MILK IN COLUMBUS, WIS.

Order No. G-19 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, under Maximum Price Regulation No. 280 (maximum prices for specific food products) and under Maximum Price Regulation No. 329 (purchases of milk from producers for resale as fluid milk). Adjustment of fluid milk price for Columbus, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, by § 1351.807 (a) of Maximum Price Regulation No. 280, and § 1351.408 (b) of Maximum Price Regulation No. 329; It is ordered:

(a) *Maximum producer prices.* The maximum price which distributors may pay to producers for milk sold for human

consumption in fluid form shall be \$3.20 for 3.5% milk, plus not more than 5½¢ for each ¼ of a pound of butterfat in excess of 3.5%, and minus not less than 5½¢ for each ¼ of a pound of butterfat below 3.5%.

(b) *Applicability of producer prices.* Paragraph (a) of this order shall apply to all purchases of milk from producers for resale for human consumption in fluid form by distributors whose bottling plants are located within Columbus, Wisconsin, or who sell within that city 50% or more of the milk sold by them.

(c) *Maximum distributor prices.* The maximum price for the sale and delivery of fluid milk at wholesale and retail in Columbus, Wisconsin, shall be the maximum price determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher;

Standard butterfat content fluid milk	Wholesale	Retail
Gallons in bulk.....	\$0.36
Gallons.....	.36	\$0.44
Quarts.....	.09½	.11½
Pints.....	.05	.06
Half pints.....	.03½	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(d) *Applicability of distributor prices.* For the purpose of paragraph (c) of this order, sales and deliveries within the Columbus, Wisconsin, area shall mean:

1. All sales made within the city limits of Columbus, Wisconsin, and all sales at or from an establishment located in Columbus, Wisconsin area;

2. All sales of fluid milk by any seller at retail at or from an establishment obtaining the major portion of its supply of milk from a seller at wholesale located within Columbus, Wisconsin.

(e) *Definitions.* (1) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(f) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation, Maximum Price Regulation No. 280 and Maximum Price Regulation No. 329 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(g) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 3, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of December 1943.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-721; Filed, January 13, 1944;
3:07 p. m.]

[Region VI Order G-20 Under SR 15 and MPR
280]

FLUID MILK IN MONDOVI AND GILMANTON, WIS.

Order No. G-20 under § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and under § 1351.807 (a) of Maximum Price Regulation No. 280. Maximum prices for specific food products. Adjustment of fluid milk prices in Mondovi and Gilmanton, Wisconsin.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.75 (a) (9) of Supplementary Regulation No. 15 to the General Maximum Price Regulation, and by § 1351.807 (a) of Maximum Price Regulation No. 280; it is ordered:

(a) *Maximum distributor prices.* The maximum prices for the sale and delivery of fluid milk at wholesale and retail in Mondovi and Gilmanton, Wisconsin shall be the maximum prices determined under the General Maximum Price Regulation, or the following prices, whichever shall be higher:

Standard butterfat content fluid milk	Wholesale	Retail
Gallons in bulk	\$0.36	\$0.42
Gallons	.36	.42
Quarts	.10	.11½
Pints	.05	.06
½ pint	.03½	.05

Where the maximum price set forth is expressed in terms of ½¢ the price charged for a single unit at retail may be increased to the next even cent. An opportunity must, however, be given to each buyer to purchase two units for which the maximum price will be twice the single unit price. All sales at wholesale and home delivery sales at retail shall be considered multiple unit sales unless separate collections are made for single units when delivered.

(b) *Applicability of distributor prices.* For the purpose of paragraph (a) of this order, sales and deliveries within the Mondovi and Gilmanton, Wisconsin area shall mean:

(1) All sales made within the city limits of Mondovi and Gilmanton, Wisconsin, and all sales at or from an establishment located in Mondovi and Gilmanton, Wisconsin;

(2) All sales of fluid milk by any seller at retail at or from an establishment ob-

taining the major portion of its supply of milk from a seller at wholesale located within Mondovi and Gilmanton, Wisconsin.

(c) *Definitions.* (1) Milk shall mean cows' milk having a butterfat content of not less than 3.2% or the legal minimum established by statute or municipal ordinance, distributed and sold for consumption in fluid form as whole milk.

(2) Sales at wholesale shall include all sales to retail stores, restaurants, army camps, prisons, schools, hospitals, and other institutions.

(d) *Relation to Office of Price Administration regulations.* Except as otherwise herein provided, the provisions of the General Maximum Price Regulation and Maximum Price Regulation No. 280 shall remain in full force and effect and shall not be evaded by any change in the customary delivery, business or trade practices in effect during the base periods established by those regulations.

(e) *Revocability.* This order may be revoked, amended or corrected at any time.

This order shall be effective January 11, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of January 1944.

ALEX ELSON,
Acting Regional Administrator.

[F. R. Doc. 44-732; Filed, January 13, 1944;
3:07 p. m.]

[Region IX, Delegation Order 1]

DELEGATION OF AUTHORITY CONCERNING REGULATIONS APPLICABLE IN HAWAII

Delegation Order No. 1. Delegation of authority to Melvin C. Robbins concerning regulations applicable in Hawaii.

Pursuant to the authority conferred upon the Regional Administrator for Region IX by General Order No. 39 issued by the Administrator, it is ordered:

(a) *Delegation to Melvin C. Robbins, Territorial Director for Hawaii, to sign, issue, modify and amend maximum price regulations applicable in the Territory of Hawaii.* (1) Melvin C. Robbins, Territorial Director for the Territory of Hawaii, is hereby authorized to sign, issue, modify and amend maximum price regulations and statements of considerations in accordance with the provisions and standards of the Emergency Price Control Act of 1942, as amended, insofar as such regulations are applicable in the Territory of Hawaii.

(2) The authority heretofore delegated to the Territorial Director for the Territory of Hawaii on December 3, 1942, is hereby confirmed, and any and all action taken by him pursuant to such delegation of December 3, 1942 is hereby ratified and approved.

(b) This order shall take effect January 20, 1944.

Issued this 15th day of January 1944.

JAMES P. DAVIS,
Regional Administrator.

[F. R. Doc. 44-827; Filed, January 15, 1944;
11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-58]

INDIANA SERVICE CORP. AND MIDLAND UTILITIES CO.

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, 1944.

In the matter of Indiana Service Corporation and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, respondents, File No. 59-58.

The Commission having issued its Notice of and Order Instituting Proceedings under sections 11 (b) (2), 15 (f) and 20 (a) of the Public Utility Holding Company Act of 1935, and naming as respondents therein Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company, a registered holding company, and Indiana Service Corporation, a subsidiary thereof; and public hearings having been held thereon and such hearings having been scheduled to reconvene on January 25, 1944; and

The Commission having received a request that the reconvened hearing in this matter be postponed, and the Commission having considered such request and deeming it appropriate that the reconvened hearing be postponed to February 1, 1944;

It is ordered, That the reconvened hearing in this matter previously scheduled for January 25, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania, be and hereby is postponed to February 1, 1944, at the same hour and place and before the same trial examiner as heretofore designated.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-834; Filed, January 15, 1944;
2:47 p. m.]

[File No. 70-846]

VIRGINIA ELECTRIC AND POWER CO., ET AL.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of January 1944.

In the matter of Virginia Electric and Power Company, Virginia Public Service Company, and Engineers Public Service Company, File No. 70-846.

Notice is hereby given that applications and declarations have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Virginia Electric and Power Company ("Vepco"), Virginia Public Service Company ("VPS") and Engineers Public Service Company ("Engineers"). Engineers is a registered holding company and Vepco is one of its subsidiary

companies. VPS is a subsidiary company of General Gas & Electric Corporation ("Gengas"), also a registered holding company.

All interested persons are referred to said applications and declarations which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized below:

1. Under a program for the acquisition by Vepco of the properties of VPS, Engineers proposes to acquire from Gengas 782,000 shares of the common stock of VPS, being all of the shares of such stock outstanding, and a claim of Gengas to certain escrow funds in the amount of \$1,165,166.67, for an agreed consideration of not to exceed \$2,500,000, of which \$1,000,000 is immediately payable in cash and an additional amount of not to exceed \$1,500,000 is payable in the event that the earnings of Vepco exceed certain specified amounts.

2. Engineers will surrender the claim so acquired from Gengas to VPS as a contribution to its capital.

3. VPS will thereupon be merged into Vepco pursuant to Virginia law and upon the following terms:

(a) Each share of \$6 Dividend Preferred Stock of Vepco will be converted into one share of \$5 Dividend Preferred Stock of Vepco and will receive cash for accrued and unpaid dividends on such stock to the date the merger agreement becomes effective;

(b) Each share of 7% Preferred Stock of VPS, including all rights to accrued and unpaid dividends thereon to the date the merger becomes effective, will be converted into 1½ shares of \$5 Dividend Preferred Stock of Vepco and will receive \$5.50 per share in cash, plus additional cash in an amount equal to accrued dividends on said 7% Preferred Stock subsequent to March 31, 1944, to the effective date of the merger, if the merger agreement becomes effective after that date;

(c) Each share of 6% Preferred Stock of VPS, including all rights to accrued and unpaid dividends thereon to the date the merger becomes effective, will be converted into 1½ shares of \$5 Dividend Preferred Stock of Vepco and will receive cash in an amount equal to accrued dividends on said 6% Preferred Stock subsequent to March 31, 1944, to the effective date of the merger, if the merger becomes effective after that date;

(d) The 782,000 shares of common stock of VPS will be converted into 150,000 shares of common stock of Vepco.

(e) The presently outstanding common stock of Vepco will continue unchanged.

4. Holders of the preferred stock of Vepco or VPS assenting to the merger but not desiring to retain the new \$5 Dividend Preferred Stock will be given the opportunity through an underwriting to be arranged by Vepco, to sell the new \$5 Dividend Preferred Stock to which they may become entitled at not less than \$112.50 per share, less transfer taxes. The underwriters will sell such shares to the public at a price not exceeding \$1.50 per share over the price paid to such

stockholders. Any stockholders not assenting to the merger who dissent therefrom within three months after the meeting of stockholders at which the merger is approved, will be entitled to receive cash in such amount as may be obtainable under the appraisal rights existing pursuant to Virginia law.

5. In order to consummate the foregoing exchange Vepco will issue 305,192 shares of \$5 Dividend Preferred Stock. Scrip will be issued in lieu of fractional shares.

6. All of the \$10,500,000 aggregate principal amount of VPS Debentures presently outstanding will be assumed by Vepco as a result of the merger and will be called for redemption at 104½ and accrued interest and all of the \$26,000,000 aggregate principal amount of VPS First Mortgage Bonds presently outstanding, also to be assumed by Vepco in the merger, will be called for redemption at 111½ plus accrued interest.

7. For the primary purpose of providing funds to retire said Debentures and said First Mortgage Bonds of VPS, Vepco will issue and sell \$24,500,000 aggregate principal amount of its First and Refunding Mortgage Bonds, Series D, 3¼%, due 1974, and will issue and sell \$5,000,000 of short term 2¼% notes maturing semi-annually commencing August 1, 1944, and ending April 1, 1949, and Engineers will contribute to Vepco \$2,500,000 in cash. The bonds will be sold at competitive bidding. The serial notes will be payable as follows:

August 1, 1944.....	\$640,000
February 1, 1945.....	265,000
August 1, 1945.....	865,000
February 1, 1946.....	265,000
August 1, 1946.....	865,000
February 1, 1947.....	265,000
August 1, 1947.....	305,000
February 1, 1948.....	305,000
August 1, 1948.....	305,000
November 1, 1948.....	405,000
February 1, 1949.....	400,000
April 1, 1949.....	125,000

and will be issued and sold privately to commercial banks or other institutions to be designated subsequently.

8. Among the assets acquired through the merger, Vepco will acquire the stock of two subsidiaries of VPS, Citizens Rapid Transit Company and Harpers Ferry Paper Company, if the stock of the latter company is not theretofore disposed of.

9. The foregoing transactions have been authorized by the State Corporation Commission of the Commonwealth of Virginia, by its order of January 6, 1944, subject to certain reservations of jurisdiction in said order contained. Both Vepco and VPS are organized and doing business in the Commonwealth of Virginia.

10. The applications and declarations designated as applicable sections 6, 7, 9, 10, 11 (b) and 12 of the Public Utility Holding Company Act of 1935 and Rules U-40, U-42, U-43, U-44, U-45, U-50 and U-62 promulgated thereunder.

11. The Commission is advised that an appropriate application or declaration will be filed by Gengas regarding the sale by it of 782,000 shares of the common stock of VPS.

It appearing to this Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said applications and declarations shall not be granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 1, 1944 at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise as to the room in which said hearing will be held. At such hearing cause shall be shown why such declarations should be permitted to become effective and such applications granted;

It is further ordered, That the Secretary of this Commission shall serve notice of said hearing by mailing copies of this order to the above named parties and that notice of said hearing be given to all other persons by publication of a copy of this order in the FEDERAL REGISTER. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 29, 1944, his request or application therefor, as provided by Rule XVII of the rules of practice of this Commission;

It is further ordered, That Richard Townsend, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a Trial Examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by said applications and declarations, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisitions by Engineers and Vepco meet the requirements of section 10 of the act, insofar as section 10 is applicable.

2. Whether the proposed issuances of securities by Vepco are entitled to exemption from the requirements of section 6 (a) by virtue of the third sentence of section 6 (b) of the act.

3. Whether the proposed capital contributions by Engineers meet the requirements of section 12 (b) of the act.

4. Whether the accounting treatment proposed in connection with the consummation of the transactions is appropriate.

5. Whether the provisions of the Indenture, as supplemented, securing the First and Refunding Mortgage Bonds of Vepco and the terms of the Notes, are adequate to protect the interests of security holders.

6. Whether the provisions of the \$5 Dividend Preferred Stock of Vepco are adequate to protect the interests of security holders.

7. Whether the transactions described above, or any of them, are necessary to

effectuate the purposes of section 11 (b) of the act, and are fair and equitable to the persons affected, and should be approved or ordered pursuant to sections 11 (b) or 11 (e).

8. Whether the Commission should grant in whole or in part the prayers for relief contained in the applications and declarations.

9. What terms or conditions, if any, should be attached to the Commission's order.

10. Whether the various transactions outlined above are consistent with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-835; Filed, January 15, 1944;
2:47 p. m.]

[File Nos. 59-7, 54-87]

CITIES SERVICE POWER AND LIGHT CO. AND FEDERAL LIGHT AND TRACTION CO.

NOTICE OF HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of January 1944.

In the matter of Cities Service Power & Light Company and its subsidiary companies, File No. 59-7; and Federal Light & Traction Company and its subsidiary companies, File No. 54-87.

The Commission on the 11th day of January 1944, having issued a notice of and order for hearing and order of consolidation concerning, among other things, a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 filed by Federal Light & Traction Company proposing that the capital structure of Federal Light & Traction Company be changed to a one-stock capitalization and further proposing that Federal Light & Traction Company and certain of its subsidiary companies be merged with and into The Tucson Gas Electric Light and Power Company, a subsidiary of Federal Light & Traction Company; and

It appearing that the public holders of the common stock of Federal Light & Traction Company have an interest in such transactions and will be affected by such orders of the Commission as may be issued in respect of such transactions; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors to require that such stockholders be given notice by mail of the hearing to be held on the plan filed by Federal Light & Traction Company;

It is ordered, That at least 10 days prior to January 27, 1944, the date set for hearing in our order of January 11, 1944, Federal Light & Traction Company shall mail to each holder of the common stock of Federal Light & Traction Company at his last known address as disclosed by the records of Federal Light & Traction Company, a copy of the instant order and a

copy of the notice of and order for hearing and order of consolidation issued by the Commission in this matter on January 11, 1944.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-833; Filed, January 15, 1944;
2:47 p. m.]

[File No. 30-114]

IOWA-NEBRASKA LIGHT AND POWER COMPANY

ORDER TERMINATING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia 3, Pa., on the 11th day of January 1944.

Iowa-Nebraska Light and Power Company, a registered holding company, having filed a certificate of notification that it has disposed of all its interest in its only subsidiary, Maryville Electric Light and Power Company, and an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that it has ceased to be a holding company;

Appropriate notice having been given and a public hearing held, the Commission having considered the record and having made and filed its findings and opinion herein; and

The Commission finding that Iowa-Nebraska Light and Power Company has ceased to be a holding company and that the registration of said company as a holding company should cease to be in effect, and that it is not necessary to impose any terms or conditions for the protection of investors in connection with the termination of such registration,

It is ordered and declared, That Iowa-Nebraska Light and Power Company has ceased to be a holding company and that the registration of Iowa-Nebraska Light and Power Company as a holding company shall from the date of the entry of this order cease to be effective.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-832; Filed, January 15, 1944;
2:47 p. m.]

[File No. 1-862]

MINNEAPOLIS, ST. PAUL AND SAULT STE. MARIE RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, A. D. 1944.

In the matter of Minneapolis, St. Paul & Sault Ste. Marie Railway Company 5½% Twenty-Five Year Gold Notes, due March 1, 1949.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing

and registration the 5½% Twenty-Five Year Gold Notes, due March 1, 1949, of Minneapolis, St. Paul & Sault Ste. Marie Railway Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, January 27, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-830; Filed, January 15, 1944;
2:47 p. m.]

[File No. 1-957]

MARKET STREET RAILWAY CO.

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of January, A. D. 1944.

In the matter of Market Street Railway Company; 7% First Mortgage Sinking Fund Gold Bonds, Series A, due April 1, 1940.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% First Mortgage Sinking Fund Gold Bonds, Series A, due April 1, 1940, of Market Street Railway Company;

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Thursday, January 27, 1944, at the office of the Securities and Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That William J. Cogan, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take

evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-831; Filed January 15, 1944;
2:48 p. m.]

[File Nos. 7-701, 7-702, 7-703, 7-704, 7-705,
7-710]

NEW YORK CURB EXCHANGE

ORDER POSTPONING CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 15th day of January, A. D. 1944.

In the matter of applications by the New York Curb Exchange to extend unlisted trading privileges to: Lukens Steel Company, common stock, \$10 par value, File No. 7-701; Merck & Co., Inc., common stock, \$1 par value, File No. 7-702; Northern Natural Gas Company, common stock, \$20 par value, File No. 7-703; Public Service Company of Indiana, Inc., common stock, without par value, File No. 7-704; The Warner & Swasey Company, common stock, without par value, File No. 7-705; Puget Sound Power & Light Company, common stock, \$10 par value, File No. 7-710.

The New York Curb Exchange having filed applications with the Commission, pursuant to section 12 (f) (3) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to the above-mentioned securities;

The Commission having ordered a hearing to be held on September 16, 1943 at 10:00 a. m. at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, on the proceeding entitled In the Matter of Applications by the New York Curb Exchange to Extend Unlisted Trading Privileges to Five Securities, File Numbers 7-701 to 7-705, which hearing has been heretofore postponed until January 19, 1944;

The Commission having on December 4, 1943, reopened the hearing in the proceeding entitled In the Matter of Application by the New York Curb Exchange to Extend Unlisted Trading Privileges to Puget Sound Power & Light Company, Common Stock, \$10 Par Value, File No. 7-710, and having consolidated said hearing with the foregoing proceeding;

Counsel for all parties having requested that the hearing be further postponed until January 26, 1944; and

The Commission having duly considered the matter and being fully advised in the premises;

It is ordered, That the consolidated hearing scheduled for January 19, 1944, be, and the same hereby is, postponed to January 26, 1944, at the hour and place

heretofore designated by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-843; Filed, January 17, 1944;
10:19 a. m.]

[File No. 70-845]

FLORIDA POWER CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Florida Power Corporation, a subsidiary of General Gas & Electric Corporation, a registered holding company.

All interested persons are referred to said document which is on file in the offices of this Commission for a statement of transactions therein proposed which are summarized below:

1. Florida Power Corporation proposes to issue and sell at competitive bidding, pursuant to Rule U-50, \$16,500,000 principal amount of First Mortgage Bonds, to be dated January 1, 1944, and to mature January 1, 1974, no coupon rate for the bonds being indicated in the filing, and proposes to issue and sell at private sale to John Hancock Mutual Life Insurance Company, at par, \$4,000,000 principal amount of Serial Debentures, bearing an interest rate of 3 3/4% per annum, no schedule of maturities of the Serial Debentures being indicated in the filing;

2. It is proposed that \$500,000 of the proceeds from the sale of the new bonds is to be pledged with the Trustees under the new mortgage, the money so pledged being subject to withdrawal against future construction expenditures;

3. The balance of the proceeds, together with other funds of Florida Power Corporation, is to be applied to the redemption of the First Mortgage Bonds and Debentures of Florida Power Corporation outstanding and the First Mortgage Bonds and Debentures issued by Florida Public Service Company and assumed by Florida Power Corporation in connection with the recent merger of these two companies. (See Holding Company Act Release No. 4545.)

The filing has designated sections 6 (a) and 7 of the act and Rule U-50 promulgated thereunder as being applicable to certain of the proposed transactions but requests that the Commission find that Rule U-50 is not applicable to the sale to John Hancock Mutual Life Insurance Company of the Serial Debentures proposed to be issued.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters, and that said application or declaration should not be

granted or permitted to become effective except pursuant to further order of this Commission:

It is ordered, That a hearing on said matters under the applicable provisions of said act and the rules of this Commission thereunder be held on February 7, 1944, at 10 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Charles S. Lobingier, or any other officer or officers of the Commission designated for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of the issues presented by said filing, particular attention will be directed at such hearing to the following matters and questions:

1. Whether the proposed transactions are appropriate and in the public interest and the interest of investors and consumers;

2. Whether compliance with the requirements of paragraphs (b) and (c) of Rule U-50 is not necessary or appropriate under the circumstances to the sale of the proposed Serial Debentures;

3. The propriety of the proposed accounting treatment on the books of Florida Power Corporation in connection with the proposed transactions;

4. Whether it is necessary or appropriate to impose terms or conditions in the public interest or for the protection of investors; and

5. Whether the proposed transactions comply with all the provisions and requirements of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-846; Filed, January 17, 1944;
10:19 a. m.]

[File No. 70-818]

SOUTHWESTERN PUBLIC SERVICE COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January, A. D. 1944.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935, by Southwestern Public Service Company, a registered holding company. All interested persons are referred to said document which is on file in the office of this Commission, for a statement of the transaction therein proposed, which is summarized as follows:

Southwestern Public Service Company proposes to purchase from Kansas City Power and Light Company, a non-affiliated company, that portion of its electric and water properties which are located in Morton County, Kansas, together with current and other assets appertaining to such properties, for \$62,500 cash, subject to certain adjustments as set forth in the purchase agreement dated October 28, 1943.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both), and that said declaration or application (or both), shall not become effective or be granted except pursuant to further order of the Commission.

It is ordered, That a hearing on said declaration or application (or both) under the applicable provisions of the act and the rules of the Commission thereunder be held on January 24, 1944, at 12:00 noon, e. w. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day, the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That any other person desiring to be heard in connection with these proceedings or proposing to intervene herein shall file with the Secretary of the Commission, on or before January 20, 1944, his request or application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order to Southwestern Public Service Company, Kansas Corporation Commission, and New Mexico Public Service Commission by registered mail; and that notice of said hearing be given to all persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration to be paid by Southwestern Public Service Company is fair and reasonable;

(2) Whether the proposed acquisition by Southwestern Public Service Company will serve the public interest by tending toward the economical and efficient development of an integrated public utility system and will not be detrimental to the carrying out of the provisions of section 11 of the act;

(3) Whether the accounting entries to be made in connection with the proposed transaction and the adjustment of accounts incident thereto are in accord with sound and accepted principles of accounting; and

(4) Whether, if the transaction proposed is authorized by the Commission, it is necessary or appropriate in the public interest or for the protection of investors and consumers to impose any terms and conditions and, if so, what terms and conditions should be imposed. By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-845; Filed, January 17, 1944;
10:20 a. m.]

[File Nos. 54-66, 59-61, 59-35]

FEDERAL WATER AND GAS CORP., ET AL.

NOTICE OF FILING OF APPLICATION FOR
EXTENSION OF TIME AND ORDER FOR
HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 15th day of January, A. D. 1944.

In the matters of Federal Water and Gas Corporation and subsidiary companies, File No. 54-66; Federal Water and Gas Corporation and subsidiary companies, respondents, File No. 59-61; and New York Water Service Corporation, Federal Water and Gas Corporation, File No. 59-35.

The Commission having entered its order herein on February 10, 1943 pursuant to section 11 (b) of the Public Utility Holding Company Act of 1935 directing that:

(1) Federal Water and Gas Corporation shall take such action as may be necessary to divest itself of all interests held by it, directly or indirectly, in the businesses conducted and properties owned by Alabama Water Service Company, Union Water Service Company, Ohio Water Service Company, West Virginia Water Service Company, Scranton-Spring Brook Water Service Company, New York Water Service Corporation, and the water properties in Oregon and the gas properties in Florida owned by the Peoples Water and Gas Company: *Provided*, That in the case of Peoples Water and Gas Company, Scranton-Spring Brook Water Service Company, and New York Water Service Corporation such divestments shall not be ef-

fectured through the sale of securities owned by Federal prior to the recapitalization of such companies in such manner as to provide for a fair and equitable distribution of voting power among security holders thereof;

(2) Peoples Water and Gas Company, Scranton-Spring Brook Water Service Company, and New York Water Service Corporation shall take such steps as may be necessary to recapitalize their capital structures so as to fairly and equitably distribute voting power among the security holders of such companies: *Provided*, That in the case of New York Water Service Corporation the common stock shall be accorded no recognition in such recapitalization;

(3) Federal Water and Gas Corporation, Pennsylvania Water Service Company, and Scranton-Spring Brook Water Service Company shall take such action as may be necessary to cause the elimination of Pennsylvania Water Service Company and the sixty-three inactive subsidiaries of Scranton-Spring Brook Water Service Company, specified in Form U5S filed by Federal for the year 1941;

Notice is hereby given that on January 13, 1944 Federal Water and Gas Corporation, on behalf of itself and its subsidiary companies affected by the said order of February 10, 1943, filed an application requesting the entry of an order by this Commission under section 11 (c) of the act extending for one year the time within which to comply with the said order of February 10, 1943;

All interested persons are referred to said application which is on file in the office of the Commission for full details concerning the application.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held for the purpose of considering said application and for other purposes;

It is ordered, That a hearing in this proceeding be held at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a. m., e. w. t., on the 27th day of January, 1944, in such room as may be designated on such day by the hearing room clerk.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice, on or before January 24, 1944.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of the issues presented by such application, particular attention will be directed at the hearing to (1) whether the applicants have exercised due diligence to comply with the Commission's order of February 10, 1943, and (2) whether an extension of time of one year for compliance with said order is necessary or appropriate in the public interest or for the protection of investors or consumers.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to Federal Water and Gas Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 44-844; Filed, January 17, 1944;
10:20 a. m.]

SELECTIVE SERVICE SYSTEM.

[Operations Order 21]

DESIGNATED COUNTIES IN NORTH CAROLINA

ESTABLISHMENT OF BOARD OF APPEALS

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, and in accordance with the recommendation of Brigadier General J. Van B. Metts, State Director of Selective Service for the State of North Carolina, I hereby order and direct:

That the State Director of Selective Service for the State of North Carolina is hereby authorized to disestablish the board of appeal areas for Boards of Appeal numbered 1, 2 and 3, State of North Carolina, and to establish the board of appeal areas for Boards of Appeal numbered 1, 2 and 3, State of North Carolina, as follows:

(1) The board of appeal area for board of Appeal No. 1 to contain and be coextensive with the following counties: Currituck, Camden, Pasquotank, Perquimans, Gates, Hertford, Bertie, Northampton, Halifax, Nash, Edgecombe, Martin, Pitt, Wilson, Greene, Craven, Pamlico, Carteret, Beaufort, Hyde, Washington, Tyrrell, Dare, and Chowan;

(2) The board of appeal area for Board of Appeal No. 2 to contain and be coextensive with the following counties: Granville, Vance, Warren, Franklin, Wake, Durham, Johnston, Wayne, and Harnett;

(3) The board of appeal area for Board of Appeal No. 3 to contain and be coextensive with the following counties: Lenoir, Jones, Onslow, Duplin, Pender, New Hanover, Brunswick, Sampson, Bladen, Columbus, Robeson, Cumberland, Hoke and Scotland.

LOUIS B. HERSHEY,
Director.

JANUARY 14, 1944.

[F. R. Doc. 44-829; Filed, January 15, 1944;
1:17 p. m.]

WAR FOOD ADMINISTRATION.

[Joint Order, Amdt. 1]

CERTIFICATION OF LIVE CATTLE PRICES AT POINTS OTHER THAN CHICAGO AND IN LINE WITH CHICAGO PRICES

NOTE: For the text of Amendment 1 to Joint Order of the Office of Price Administration and War Food Administration, see Office of Price Administration, *supra*.

WAR PRODUCTION BOARD.

CAPITOL FIXTURE & SUPPLY COMPANY

CONSENT ORDER

M. S. Schwartz, Herman Goalstone, and S. G. Lerner are partners doing business under the firm name of Capitol Fixture & Supply Company at 1430 Larimer Street, Denver, Colorado. The business of the partnership is the manufacture and jobbing of store and office fixtures. The partnership is charged by the War Production Board with having sold and made physical delivery of commercial cooking and food and plate warming equipment for the purchase price of \$811.50 to seven customers, between October 11, 1942, and December 30, 1942, in violation of War Production Board Limitation Order L-182. M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company, admit that they sold and made physical delivery of the equipment as above stated. They do not desire to contest the charge and the other statements as made.

Wherefore, upon the agreement and consent of M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company or otherwise, their and its successors or assigns, are hereby prohibited from purchasing, accepting delivery of, receiving, delivering, selling, transferring, or otherwise dealing in any commercial cooking and food and plate warming equipment as defined in Limitation Order L-182, unless hereafter specifically authorized in writing by the War Production Board.

(b) The provision of paragraph (a) hereof shall not apply to contracts directly with the Army or Navy or United States Maritime Commission.

(c) Nothing contained in this order shall be deemed to relieve M. S. Schwartz, Herman Goalstone, and S. G. Lerner, doing business as Capitol Fixture & Supply Company or otherwise, their and its successors or assigns, from any restriction, prohibition, or provision contained in any other order or regulation of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on January 14, 1944, and shall expire on April 14, 1944.

Issued this 12th day of January 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-789; Filed, January 14, 1944;
4:33 p. m.]
[Certificate 190]

PRIVATE AND CONTRACT CARRIERS

APPROVAL OF JOINT ACTION PLANS

THE ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by private carriers and contract carriers, as well as persons using the services of for-hire carriers.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation or any order or direction issued by the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 10, 1944.

[F. R. Doc. 44-867; Filed, January 17, 1944;
11:25 a. m.]

[Certificate 191]

PETROLEUM AND OTHER LIQUID TRANSPORT ADVISORY COMMITTEES

APPROVAL OF JOINT ACTION PLAN

THE ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning the formulation of certain joint action plans by persons who transport petroleum or other liquid products to wholesale or retail distributors, to private and commercial consumers, or to the armed forces of the United States.¹

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the recommendation; and after consultation with you I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such recommendation or any order or direction issued by the Office of Defense Transportation pursuant thereto requiring any of the joint actions specified therein is requisite to the prosecution of the war.

DONALD M. NELSON,
Chairman.

JANUARY 10, 1944.

[F. R. Doc. 44-868; Filed, January 17, 1944;
11:27 a. m.]

¹ *Supra*.

